



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

In re:	§	Case No. 05-21207
	§	
ASARCO LLC, <i>et al.</i> ,	§	Chapter 11
	§	
Debtors.	§	(Jointly Administered)
	§	

**ASARCO LLC'S MOTION TO ESTIMATE ENVIRONMENTAL LIABILITIES AND
FOR IMPLEMENTATION OF PROCEDURES FOR THE HANDLING OF OMNIBUS
OBJECTIONS TO ENVIRONMENTAL CLAIMS**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY (20) DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREED OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

A STATUS CONFERENCE ON THIS MOTION IS SCHEDULED FOR FRIDAY, FEBRUARY 16, 2007, AT 10:00 A.M.

TO THE HONORABLE RICHARD S. SCHMIDT, UNITED STATES BANKRUPTCY JUDGE:

Pursuant to sections 502(c) and 105 of the Bankruptcy Code and Rule 3007(f) of the Local Rules of the United States Bankruptcy Court for the Southern District of Texas (the "Local Rules"), ASARCO LLC and the subsidiary debtors listed on footnote two below ("ASARCO" or the "Debtors") respectfully file this motion (the "Motion") (a) invoking the Bankruptcy Code's mandatory provisions for estimation of environmental liabilities (the "Environmental Claims") and (b) seeking to implement a procedure for the handling of omnibus objections to the Environmental Claims, on the following grounds:

SUMMARY OF RELIEF REQUESTED

1. ASARCO's value is directly influenced by the price of copper, which, like any commodity, may change. ASARCO must therefore reorganize as expeditiously as possible to capture current high copper prices and favorable market conditions. However, ASARCO cannot formulate a plan of reorganization and disclosure statement without first determining the amount of its contingent environmental and asbestos liabilities.

2. The alleged aggregate amount of these unliquidated claims is substantial and the sheer number of claims - 94 environmental sites and 95,000 asbestos claims - is overwhelming, if considered in the context of traditional litigation. Until these liabilities are quantified in a manner consistent with the requirements for confirmation of a plan of reorganization, ASARCO cannot secure new capital or exit financing, determine the size and treatment of an unsecured creditor class or prepare a disclosure statement that contains meaningful information of what creditors can generally expect to receive under a chapter 11 plan.

3. A vast majority of these Environmental Claims have been in the process of liquidation for many, many years. To liquidate and determine these claims through a traditional means will require many more years of expensive litigation, which was one of the primary considerations resulting in the filing of the Reorganization Cases (as defined below). ASARCO's reorganization will be unduly delayed and at risk of failure if the aggregate amount of such contingent liabilities is not determined for many years through traditional means. Estimation of claims pursuant to section 502(c) of the Bankruptcy Code is designed precisely to avoid these costly and lengthy delays, and the attendant damage to the reorganization process.

4. ASARCO has already filed a motion for estimation of the derivative asbestos claims that have been asserted against it, and the Court has established a schedule that will permit those claims to be estimated in September 2007.

5. The successful reorganization of the Debtors will require that a similar schedule be established for estimation or resolution of the Environmental Claims. Towards that end, ASARCO has engaged in discussions with state and federal regulatory agencies regarding these estimation issues. At the request of ASARCO and the United States, the Court has set a status conference for February 16, 2007 at 10:00 a.m. The purpose of this status conference will be to report to the Court on the settlement process, estimation procedures, related timing, and any disputed procedural or substantive issues regarding such estimation and claim objections. To assure diligence in this process by all parties, ASARCO will (a) propose and circulate procedures for the estimation of the Environmental Claims and for the handling of omnibus objections to the Environmental Claims in advance of the status conference, (b) negotiate those procedures thereafter, and (c) request entry of an order in early March that approves ASARCO's filing of omnibus objections to the Environmental Claims and establishes the procedures for such claim objections and the estimation proceedings.

6. ASARCO therefore asks that this Court establish procedures for estimation proceedings of, and omnibus objections to, the Environmental Claims, and thereafter estimate the amount of ASARCO's liability for the Environmental Claims.

JURISDICTION AND BACKGROUND

7. On August 9, 2005 (the "Petition Date"), ASARCO filed its voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in this Court. On April 11, 2005, several of ASARCO's wholly owned direct or indirect subsidiaries (the "Subsidiary Debtors"¹) filed their voluntary petitions in this Court (the "Subsidiary Cases").

¹ The Subsidiary Debtors consist of the following five entities: Lac d'Amiante du Québec Ltée (f/k/a Lake Asbestos of Quebec, Ltd.); Lake Asbestos of Quebec, Ltd.; LAQ Canada, Ltd.; CAPCO Pipe Company, Inc. (f/k/a/ Cement Asbestos Products Company); and Cement Asbestos Products Company.

Since the Petition Date, several more ASARCO subsidiaries have filed voluntary petitions in this Court.² The Debtors' cases are collectively referred to as the "Reorganization Cases," except for the case of Encycle/Texas, Inc., which has been converted to a chapter 7 proceeding.

8. The Debtors, other than Encycle/Texas, remain in possession of their property and are operating their businesses as Debtors-in-possession, pursuant to sections 1107 and 1108 of the Bankruptcy Code. On April 27, 2005, an official committee of unsecured creditors was appointed in the Subsidiary Cases. An official committee of unsecured creditors has also been appointed in ASARCO's case. No trustee or examiner has been appointed in any of the Reorganization Cases.

9. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This Court may hear and act upon this Motion under the standing order of reference issued by the United States District Court for the Southern District of Texas under 28 U.S.C. § 157. Consideration of this Motion is a core proceeding under 28 U.S.C. § 157(b)(2)(B). Venue of this proceeding is proper in this district under 28 U.S.C. §§ 1408 and 1409. The statutory authority for this Motion is 11 U.S.C. §§ 105 and 502(c).

THE ENVIRONMENTAL CLAIMS

10. ASARCO has, for over 100 years, been engaged in the mining, smelting and refining businesses. As a result of these activities, ASARCO has acquired responsibility under both state and federal law for Environmental Claims, at nearly 100 sites, asserted by the federal

² Encycle, Inc. and Encycle/Texas, Inc. filed on August 26, 2005. ASARCO Consulting, Inc. filed on September 1, 2005. The following entities filed on October 13, 2005: ALC, Inc.; American Smelting and Refining Company; AR Mexican Explorations Inc.; AR Sacaton, LLC, an Arizona limited liability company; Asarco Master, Inc.; Asarco Oil and Gas Company, Inc.; Bridgeview Management Company, Inc.; Covington Land Company; Government Gulch Mining Company, Limited; and Salero Ranch, Unit III, Community Association, Inc. The most recent filing of December 12, 2006 included the following entities: Southern Peru Holdings, LLC; AR Sacaton, LLC, a Delaware limited liability company; and ASARCO Exploration Company, Inc. All of these subsidiary debtors, collectively with ASARCO, will hereinafter be referred to as the "Debtors."

government as well as many state governments, Indian tribes and private parties. The United States has filed a claim asserting amounts ranging from \$3.6 to \$4 billion. Sixteen states have filed claims asserting amounts ranging from \$3.8 to \$4 billion. At least two tribes have filed claims asserting approximately \$800 million, and private parties have filed claims totaling almost \$2 billion. After eliminating both obvious and not so obvious duplication between and among the proofs of claim, the asserted claims still total in excess of \$6 billion. Thus, the unsecured class in these Reorganization Cases will be too ill-defined to achieve confirmation of a plan of reorganization unless and until the vast majority of these Environmental Claims have been liquidated for all purposes, including voting, payment, and distributions under a plan of reorganization.

11. Of a total of 265 proofs of claim that assert Environmental Claims, 3 were filed by the United States, 189 by various state governments and 73 by private parties. Attached as Exhibit A is a list of claims filed by governmental entities. Attached as Exhibit B is a list of claims filed by private parties and tribes. Attached as Exhibit C is a listing of the claims organized by the site to which the Debtors believe those Environmental Claims relate.

12. ASARCO's first choice has been to negotiate a consensual settlement of the Environmental Claims, thereby avoiding the need for estimation. Towards that end, ASARCO provided estimates for remediation costs to the government in May 2006, and thereafter sought to meet with the government and obtain a response to ASARCO's estimates.

13. ASARCO now has estimates from the United States and various of the states by virtue of the proofs of claim they filed, and has been meeting with the United States and various of the states in an effort to determine whether a settlement of some or all of the Environmental Claims is possible.

14. If such a settlement is not possible, ASARCO will need to obtain an estimate of the Environmental Claims before it can formulate and obtain approval of a plan of reorganization. Estimation of such claims is necessary because the timing of bankruptcy cases and the timing of proceedings under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601, *et al.*, differ greatly. Liability under CERCLA may not be assessed until after the United States Environmental Protection Agency (the "EPA") has conducted an investigation of the site in question, decided what remedial measures need to be taken, and determined which potentially responsible parties ("PRPs") will bear the cost. Estimation can eliminate this problem by providing a speedy alternative to the lengthy valuation procedure required under CERCLA, which can accomplish in weeks or months what might otherwise take years.

15. ASARCO believes that it must also prosecute an omnibus objection to all filed or unfiled Environmental Claims to insure similar treatment of all claims, whether asserted or assertable.

16. The hearing on estimation of the derivative asbestos claims is currently set for September 2007. ASARCO will be ready to proceed with estimation of the environmental claims and a hearing on the omnibus objections near the same time, so that its ability to file a plan of reorganization is not delayed.

ENVIRONMENTAL LAW AND PRACTICE

17. Many of the Environmental Claims have been filed in connection with proceedings instituted under CERCLA.³ CERCLA creates a comprehensive statutory scheme by which the United States can respond to the actual or threatened release of hazardous

³ Many state environmental statutes, on which the remainder of the Environmental Claims are based, are modeled on or are similar to the federal statute.

substances. The statute creates a fund (the "Superfund") that allows the United States government to finance its investigative and cleanup actions at hazardous waste sites. Sites that are the subject of Environmental Claims under either CERCLA or similar state statutes shall be referred to herein as "CERCLA Sites."

18. Under CERCLA, the United States government has the authority to either (a) conduct a cleanup of a site itself or (b) direct PRPs to clean up the site. If the United States conducts a cleanup, it can seek to recover its costs from the PRPs. If a PRP conducts the cleanup, it can seek to recover a portion of its costs from other identified PRPs. The United States and the states can also recover damages to natural resources from PRPs.

19. The PRPs include: (a) the current owner or operator of the "facility" (meaning any building or place where hazardous substances are located); (b) a prior "owner" or "operator" of the facility (meaning a person who owned or operated the facility at a time when hazardous substances were disposed of at the facility); (c) a person who arranged for the transportation, treatment, or disposal of hazardous substances at the facility (commonly known as "generators"); and (d) persons who accepted hazardous substances for transportation to the facility (known as "transporters"). *See* 42 U.S.C. § 9607(a).

20. Cleanup of a typical CERCLA Site will start when the United States, a state, or a group of PRPs with the United States' agreement, conducts a remedial investigation/feasibility study ("RI/FS"), which is essentially an engineering investigation designed to determine the nature and extent of the environmental problems existing at the site. Once the RI/FS is completed, the United States proposes a remedial alternative which is subject to public comment. Thereafter, the United States will prepare a Record of Decision designating the final remedial alternative and the reasons for its selection. Implementation of the alternative will then take

place and will generally be funded by the PRPs collectively. It typically takes many years to conduct the RI/FS, develop a remedial alternative, and implement it.

21. CERCLA also contains special provisions for natural resource damages (“NRD”). See 42 U.S.C. § 9607(f)(1). Natural resources include all flora, fauna, soil, air, and geologic resources held in trust by the federal or state governments or Indian tribes on behalf of the public. CERCLA allows designated trustees of natural resources to recover from PRPs the cost of restoring injured natural resources and the public’s lost use of those resources.

22. CERCLA imposes several unique requirements on NRD claims. Because EPA’s cleanup of CERCLA sites often affects natural resources, trustees may recover for NRD only after the EPA has completed the RI/FS to ensure that PRPs only have to pay once (either to the EPA or to the trustees) for their harm to the environment. Furthermore, in order to enjoy a presumption that they correctly identified the damages resources and how best to restore them, trustees must adhere to a thorough and costly process similar to that for ordinary CERCLA sites, such as preparing a Natural Resources Damages Assessment (“NRDA”) rather than an RI/FS. Consequently, trustees seeking to recover NRD often need a long time to investigate and restore damaged natural resources.

23. While this lengthy process is occurring, of course, companies must go about their corporate lives. Specifically, companies continue to buy and sell assets, divisions and subsidiaries, and must account for their environmental liabilities in accordance with Generally Accepted Accounting Principles. If the company is a reporting company, it must disclose certain of those claims in connection with its public reporting requirements. In connection with all these activities, companies are required to estimate environmental liabilities and, in doing so, have developed generally accepted methodologies for developing those estimates.

24. ASTM International ("ASTM") is one of the largest voluntary standards-setting organizations in the world. ASTM has been involved in the development of technical standards for a broad range of materials, products, systems and services, and is particularly known for its environmental standards. One of these environmental standards is E2137-06 – Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters, which is particularly relevant to the estimation of the alleged environmental liabilities, natural resource damages and toxic tort claims that have been asserted in the Reorganization Cases. ASTM Standard E2137-06 establishes an overall framework for the calculation of monetary estimates of environmental costs and liabilities, and expressly adopts and recommends the use of probabilistic estimation methods in order to address potential uncertainties and/or risks that may be inherent in the calculation of such estimates.

25. This Court is required to estimate ASARCO's environmental liabilities under section 502(c) of the Bankruptcy Code. It is wholly within the discretion of this Court to set the procedures and standards for such estimation, and ASARCO believes that requiring all parties to use the same probabilistic methodologies developed in the industry for estimating environmental claims in the context of purchases and sales, and in the context of developing estimates for public reporting purposes, (a) will enable the parties to reduce disputes over estimation procedures and results, and (b) will allow this Court to have a uniform and accepted standard of evidence and expert reporting.

26. Some of the Environmental Claims involve the issue of how the cost of cleaning up each of the CERCLA Sites should be divided or allocated among all of the parties allegedly liable for the contamination, including all alleged users of each such site, and all past and present owners and operators of each such site.

27. With respect to some CERCLA Sites, either (a) the governmental entity (state or federal) seeking the cleanup has already developed an apportionment of responsibility for each PRP, or (b) the PRPs, including one or more of the Debtors prior to their bankruptcy filings, have voluntarily done so. Settlements in such cases are generally reached by each PRP agreeing to pay its “fair share” of total site cleanup costs. Such agreements among PRPs are not only favored under environmental laws, but have enabled all parties, including the United States, to avoid the enormous costs of litigating these issues, which litigation frequently takes many years and costs many millions of dollars that could otherwise be used for site cleanups.

28. As set forth below, this Court can and should estimate the Environmental Claims using the same simple and straightforward principles that, as a practical matter, govern the allocation of environmental liabilities outside of bankruptcy. Thus, the total claim for each Debtor’s liability at each CERCLA Site should be estimated in an amount equal to the Debtor’s apportioned share. This practical approach will not only yield a fair result, but it will also avoid the need for this Court to resolve or interpret issues that could arise under federal or state environmental laws. Had bankruptcy not intervened, this allocation of liability is the process that would have been followed by ASARCO and the holders of the Environmental Claims.

BASIS FOR RELIEF SOUGHT

I. The Bankruptcy Code Provides for Estimation of Unliquidated Claims.

29. Section 502(c) of the Bankruptcy Code provides, in pertinent part, that “[t]here shall be estimated for purposes of allowance under this section – (1) any contingent or unliquidated claim, the fixing or liquidation of which, as the case may be, would unduly delay the administration of the case” 11 U.S.C. § 502(c)(1). Section 502(c) was enacted to “further the requirement that all claims against a debtor be converted into dollar amounts.” *In re Interco Inc. v. ILGWU Nat’l Ret. Fund (In re Interco Inc.)*, 137 B.R. 993, 997 (Bankr. E.D. Mo.

1992). Courts use estimation “to facilitate the speedy resolutions of claims in bankruptcy courts.” *Id.*

30. According to the Fifth Circuit Court of Appeals, estimation serves at least two purposes. It helps the court “avoid the need to await the resolution of outside lawsuits to determine issues of liability or amount owed by means of anticipating and estimating the likely outcome of these actions.” *First City Beaumont v. Durkay (In re Ford)*, 967 F.2d 1047, 1053 (5th Cir. 1992). Estimation also “promote[s] a fair distribution to creditors through a realistic assessment of uncertain claims.” *Id.*

31. The principal consideration in an estimation proceeding must be an accommodation of the underlying purposes of the Bankruptcy Code. *See Bittner v. Borne Chem. Co.*, 691 F.2d 134, 135 (3d Cir. 1982). In addition,

while state law ordinarily determines what claims of creditors are valid and subsisting obligations, a bankruptcy court is entitled (if authorized by the federal bankruptcy statute) to determine how and what claims are allowable for bankruptcy purposes, in order to accomplish the statutory purpose of advancing a rateable distribution of assets among the creditors.

Addison v. Langston (In re Brints Cotton Mktg., Inc.), 737 F.2d 1338, 1341 (5th Cir. 1984)(citing *Vanston Bondholders Prot. Comm. v. Green*, 329 US 156, 162-53 (1946)).

32. Furthermore, consistent with section 502(b) of the Bankruptcy Code, all claims must be valued as of the petition date. *See id.* at 1342; *Owens Corning v. Credit Suisse First Boston*, 322 B.R. 719, 722 (D. Del. 2005); *In re Eagle-Picher Indus., Inc.*, 189 B.R. 681, 682-83 (Bankr. S.D. Ohio 1995). This means that where the claimant will be incurring damages over a period of time subsequent to the bankruptcy, the estimation process must discount that claim to a present value as of the petition date. *See In re O.P.M. Leasing Servs., Inc.*, 56 B.R. 678, 684-85 (Bankr. S.D.N.Y. 1986).

II. The Environmental Claims Must Be Estimated Because They Are Unliquidated and Their Liquidation Would Unduly Delay Administration of the Reorganization Cases.

33. Section 502(c) is drafted in mandatory terms, meaning that any contingent or unliquidated claim “shall” be estimated so long as the “liquidation” of that claim would “unduly delay the administration of the case.” 11 U.S.C. § 502(c). Thus, before a court orders an estimation proceeding, an initial determination must be made that the claims are contingent or unliquidated, and that fixing the claims would unduly delay the bankruptcy case. *O’Neill v. Continental Airlines, Inc. (In re Continental Airlines)*, 981 F.2d 1450, 1461 (5th Cir. 1993); *In re G-I Holdings, Inc.*, 323 B.R. 583, 599 (Bankr. D. N.J. 2005). *See also Ford*, 967 F.2d at 1053 (finding that estimation of a claim that was neither contingent nor unliquidated was “simply inappropriate.”).

34. At present, there are 265 unliquidated and contingent environmental proofs of claim pending against the Debtors that assert Environmental Claims totaling in excess of \$6 billion.

35. For these reasons, the Debtors believe that estimation is required by section 502(c)(1) of the Bankruptcy Code.

III. The Environmental Claims May Be Estimated for Purposes of Formulating a Plan and Determining Its Feasibility.

36. It is well-established that bankruptcy courts have the power to estimate claims for purposes of formulating a plan of reorganization, *see Kool, Mann, Coffee & Co. v. Coffey*, 300 F.3d 340, 347 (3d Cir. 2002); *In re Poole Funeral Chapel, Inc.*, 63 B.R. 527, 533 (Bankr. N.D. Ala. 1986), and determining the feasibility of a plan, *see A.H. Robins Co. v. Piccinin (In re A.H. Robins Co.)*, 788 F.2d 994, 1012 (4th Cir. 1986); *Interco*, 137 B.R. at 998; *In re Nova Real Estate Inv. Trust*, 23 B.R. 62, 64 (Bankr. E.D. Va. 1982). These principles apply to

environmental claims. See *United States v. LTV Corp. (In re Chateaugay Corp.)*, 944 F.2d 997 (2d Cir. 1991) (stating that environmental claims could be estimated to determine the EPA's voting rights in a plan).

37. In these Reorganization Cases, it will be impossible for this Court to hold a meaningful confirmation hearing on the feasibility of a plan of reorganization unless the aggregate amount of the Debtors' significant unliquidated claims, namely the derivative asbestos claims and the environmental claims, are quantified. See, e.g., *In re National Gypsum Co.*, 139 B.R. 397, 405 n.19 (N.D. Tex. 1992); *In re MacDonald*, 128 B.R. 161, 164 (Bankr. W.D. Tex. 1991). See also *NLRB v. Greyhound Lines, Inc. (In re Eagle Bus Mfg., Inc.)*, 158 B.R. 421, 436 (S.D. Tex. 1993) ("Greyhound's reorganization could not be effected without the NLRB's proof of claim being addressed. However, it is undisputed that a full adjudication of the claims would require many years of litigation.").

38. The Environmental Claims in these Reorganization Cases will fall into two categories:

A. Owned Sites.

As the Debtors have acknowledged in the case, Environmental Claims relating to owned sites must – absent abandonment – be paid by the Debtors on an ongoing basis. During the course of the Reorganization Cases, the Debtors have spent millions of dollars cleaning up properties owned by them and millions more will be spent by the reorganized Debtors continuing to clean up sites owned by the Debtors. The amount of the Environmental Claims that relates to owned properties must be established through some mechanism, so that the Court can satisfactorily conclude that any plan proposed is feasible.

B. Not Owned Sites.

The second category of Environmental Claims are those liabilities that relate to sites that were never or are no longer owned by the Debtors. The Debtors believe that those liabilities will be discharged as general unsecured claims. Based on the amounts that have been asserted in the proofs of claim, the unsecured Environmental Claims could dramatically alter the composition of the class of general unsecured claims, thereby making it impossible for members of this class to evaluate the plan in the absence of an estimation of the amount of these Environmental Claims.

39. Estimation of the Environmental Claims is therefore necessary and appropriate in order for the Debtors to formulate a plan, for creditors to meaningfully evaluate the plan, and for the Court to determine whether such a plan is feasible and confirmable pursuant to section 1129 of the Bankruptcy Code.

IV. The Court Selects the Method of Estimation.

40. The Bankruptcy Code does not establish the manner in which contingent or unliquidated claims are to be estimated. The Fifth Circuit has stated that the bankruptcy court should use “whatever method is best suited to the circumstances” in estimating a claim. *Brints Cotton*, 737 F.2d at 1341. *See also Bittner*, 691 F.2d at 135 (concluding that “Congress intended the procedure to be undertaken initially by the bankruptcy judges, using whatever method is best suited to the particular contingencies at issue.”); *Eagle Bus Mfg.*, 158 B.R. at 437 (citing *Brints Cotton*).

41. Because section 502(c) of the Bankruptcy Code does not prescribe any method for estimating claims, the process, procedure, timing, and the conduct of the hearing are committed to the reasonable discretion of the bankruptcy court. *See In re Ralph Lauren Womenswear, Inc.*, 197 B.R. 771, 775 (Bankr. S.D.N.Y. 1996). In estimating claims, courts have utilized methods “run[ning] the gamut from summary trials to full-blown evidentiary hearings to mere review of

pleadings, briefs, and a one-day hearing involving oral argument of counsel.” *In re Windsor Plumbing Supply Co.*, 170 B.R. 503, 520 (Bankr. E.D.N.Y. 1994) (citations omitted). *See, e.g., Eagle Bus Mfg.*, 158 B.R. at 437 (in estimating thousands of NLRB pending claims and other labor disputes, the court conducted a mini-trial; parties were given seven hours each to present evidence and testimony by affidavit with live cross-examination, and were permitted to introduce into evidence documents, charts, summaries and other visual aids); *MacDonald*, 128 B.R. at 166-67 (court approved a “summary trial” procedure involving proffers of evidence and limited live testimony); *Nova Real Estate Inv. Trust*, 23 B.R. at 65 (court heard eight days of testimony prior to estimating claim).

42. This Court’s decisions regarding the procedure to be used in an estimation proceeding are subject to the abuse of discretion standard. *See Kool, Mann*, 300 F.3d at 356-57 (holding that bankruptcy judge’s ruling on procedural issue was not an abuse of discretion and stating that “[t]he bankruptcy court ha[d] exclusive jurisdiction to direct the manner and the time in which such a claim is to be liquidated or estimated as to its amount, and its decision should be subject to review only on the ground of abuse of discretion.” (quoting *Bittner*, 691 F.2d at 138)).

V. Other Bankruptcy Courts Have Estimated Environmental Claims.

43. Bankruptcy courts charged with estimating environmental claims may need to determine whether remediation is necessary, whether the debtor is responsible for contamination and/or damages, what remedial action should be used, how much that remedial action will cost, and how such costs should be allocated among the PRPs.

44. *In Re National Gypsum*, 1992 WL 426464 (Bankr. N.D. Tex. June 24, 1992), the bankruptcy court estimated the government’s CERCLA response cost claims for operable units 2 and 3 of an asbestos dump site in New Jersey and the Salford Quarry site in Pennsylvania, as

well as damages to natural resources at operable unit 3 of the New Jersey site. The bankruptcy court's bench ruling conditionally upheld the EPA's remedy for the properties for which a remedy had already been selected, accepted the EPA's estimation of the remedy's expected cost, and allowed the United States the full amount of its claim, contingent upon results from an ongoing study of the remedy's long-term effectiveness. *Id.* at *2-*3. For the site with no selected remedy, the court used a hybrid of the remedies proposed by the debtor and the government. *Id.* at *4-*5. The court found that there had been damage to natural resources, but did not adopt a number of the government's theories for measuring those damages and, as a result, estimated damages at substantially less than the government had sought. *Id.* at *5-*6. Finally, the court declined to find that National Gypsum was liable under CERCLA for the Salford Quarry site. *Id.* at *8.

45. In *AL Tech Specialty Steel Corp. v. Allegheny Int'l, Inc. (In re Allegheny Int'l, Inc.)*, 158 B.R. 361 (Bankr. W.D. Pa. 1993), *subsequently aff'd in part, rev'd in part*, 104 F.3d 601 (3d Cir. 1997), the bankruptcy court estimated several environmental obligations. Although portions of the court's decision were reversed on appeal, the bankruptcy judge's estimate of response costs remained largely intact.

VI. Objection to Contingent and Unliquidated Claims of PRPs

46. Sections 107 and 113(f) of CERCLA provide a right of contribution to private parties that are liable with the Debtors for response costs under CERCLA, including costs of investigating and remediating contaminated property. *See* 42 U.S.C. §§ 9607, 9613(f).

47. Section 502(e)(1)(B) of the Bankruptcy Code provides

... the court *shall* disallow any claim for reimbursement or contribution of an entity that is liable with the debtor on ... the claim of a creditor, to the extent that ... such claim for reimbursement or contribution is contingent as of the time of

allowance or disallowance of such claim for reimbursement or contribution

11 U.S.C. § 502(e)(1)(B) (emphasis added). Thus, under section 502(e)(1)(B), a claim must be disallowed by the Bankruptcy Court if the claim is:

- (a) for reimbursement or contribution;
- (b) asserted by an entity that is liable with the debtor on the claim; and
- (c) contingent at the time of its allowance or disallowance.

See id.

48. As noted above, private parties have filed 73 Environmental Claims (the “PRP Claims”). Most of the PRP Claims are (a) for contribution, (b) asserted by entities (PRPs) that are potentially liable with the Debtors under CERCLA, and (c) contingent upon, among other things, the PRP’s reimbursement to the government or its payment of the actual cleanup. Clearly, contribution rights under CERCLA must be disallowed under section 502(e)(1)(B). *See Syntex Corp. v. Charter Co. (In re Charter Co.)*, 862 F.2d 1500, 1502-03 (11th Cir. 1989).

49. There is some confusion in the case law dealing with section 502(e)(1)(B) as to whether PRPs’ claims must be disallowed if the government has not filed a proof of claim. The Debtors believe that if the PRP has committed itself, with the appropriate governmental authority, to implement a remedy at a CERCLA Site, and the government has valid claims against both the PRP and the Debtors (but has not filed a proof of claim in the Reorganization Cases), then the PRP’s claim should be estimated at the portion of its past costs that are properly allowable and the reasonable discounted estimate of its costs to be incurred in the future. However, if the government has not filed a proof of claim and ASARCO does not believe that the government has a valid claim, the PRP’s claim against the Debtors should be disallowed.

VII. Establishing Procedures for Omnibus Objections to Environmental Claims

50. Pursuant to Local Rule 3007(f), omnibus objections to claims are permitted only after prior Court approval is obtained. In accordance with this rule's requirements, ASARCO hereby asks that this Court establish procedures for the handling of omnibus objections to the Environmental Claims. ASARCO intends that the omnibus objection apply to, and, for all purposes, deal with the estimation of all Environmental Claims subject to the jurisdiction of this Court under the Bankruptcy Code, regardless of whether the claim is the subject of a filed proof of claim.

51. The debtors anticipate that omnibus objections to claims will fall within categories similar to the following:

- (a) Wrong debtor claims - claims filed against the wrong debtor;
- (b) No liability claims - claims as to which no liability can be legally asserted against the estate;
- (c) Undetermined claims - claims that were filed in whole or in part in amounts shown as unknown unliquidated or undetermined;
- (d) Late filed claims - claims filed after the August 1, 2006 bar date;
- (e) Amended claims - claims that have been amended or superseded by other proofs of claim that were subsequently and properly filed; and
- (f) Duplicate claims - Environmental Claims that duplicate other claims filed against the same debtor.

52. ASARCO will circulate its proposed procedures in advance of the February 16 status conference and will negotiate with the parties in an effort to reach an agreed-upon

schedule. ASARCO will then ask the Court in early March to enter a order establishing the procedures for omnibus objections to the Environmental Claims.

WHEREFORE, ASARCO LLC respectfully requests that the Court (a) enter an order establishing procedures for estimation of the Environmental Claims and for the handling of omnibus objections to such claims, (b) conduct proceedings in accordance with that order resulting in an estimation of those claims, and (c) grant the Debtors such other and further relief as is just and proper.

Respectfully submitted this 30th day of January, 2007.

BAKER BOTTS L.L.P.

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**COUNSEL TO DEBTOR AND DEBTOR-IN-
POSSESSION**

EXHIBIT A

**LIST OF ENVIRONMENTAL CLAIMS FILED
BY GOVERNMENTAL ENTITIES**

	AGENCY/CREDITOR	CLAIM #	DEBTOR
1.	Arizona, State of, ex rel Douglas K. Martin, State Mine Inspector	10740	ASARCO MASTER INC.
		10741	ASARCO LLC., et al
2.	Arizona Dept. of Environmental Quality	10827	ASARCO LLC, et al
		10828	ASARCO LLC, et al
		10829	ASARCO Master INC.
		10830	ASARCO Master INC.
3.	California Dept. of Toxic Substances Control	10528	ASARCO MASTER INC.
		10529	ASARCO LLC
4.	Coeur d'Alene Tribe	10993	ASARCO LLC
		11012	Government Gulch Mining Co. Ltd.
		11013	ASARCO LLC
5.	CO Division of Mineral and Geology - Dept of Natural Resources	10405	Asarco, LLC
6.	Colo. Dept of Public Health and Env. on behalf of State of Colorado	10408	Asarco LLC
7.	Idaho, State of	10847	ASARCO Incorporated
8.	Idaho, State of, on behalf of itself and the Idaho State Department of Environmental Quality	11052	Government Gulch Mining Company Limited
		11053	ASARCO LLC
9.	Indiana Department of Environmental Management	9387	ASARCO LLC, et al
		9388	ASARCO LLC, et al
10.	Kansas Department of Health and Environment	11084	American Smelting and Refining Company
		11085	Government Gulch Mining Company, Limited
		11086	ASARCO
		11087	Encycle, Inc.
		11088	Bridgeview Management Company Inc
		11089	ASARCO Master Inc
		11090	Asarco Oil and Gas Company, Inc.
		11091	Asarco Oil and Gas Company, Inc.
		11092	Bridgeview Management Company Inc.
		11093	Encycle, Inc.
		11094	ASARCO LLC
		11095	American Smelting and Refining Company

	AGENCY/CREDITOR	CLAIM #	DEBTOR
		11096	Government Gulch Mining Company, Limited
		11097	ASARCO Master, Inc.
11.	Missouri Department of Natural Resources	11116	LAQ Canada, Ltd.
		11117	Lake Asbestos Of Quebec, Ltd.
		11118	Cement Asbestos Products Company
		11119	CAPCO Pipe Company, Inc.
		11120	Lac d'Amiante Du Quebec Ltee
		11121	ASARCO Consulting, Inc.
		11122	Encycle, Inc.
		11123	ALC, Inc.
		11124	AR Sacaton, LLC
		11125	AR Mexican Explorations, Inc.
		11126	Salero Ranch, Unit III, Community Association, Inc.
		11127	Covington Land Company
		11128	Government Gulch Mining Company Limited
		11129	Asarco Oil and Gas Company, Inc.
		11130	American Smelting and Refining Company
		11131	ASARCO Master Inc.
		11132	Bridgeview Management Company, Inc.
		11133	ASARCO LLC, et al
		11134	LAQ Canada, Ltd.
		11135	Lake Asbestos Of Quebec, Ltd.
		11136	Cement Asbestos Products Company
		11137	CAPCO Pipe Company, Inc.
		11138	Lac d'Amiante Du Quebec Ltee
		11139	ASARCO Consulting, Inc.
		11140	Encycle, Inc.
		11141	ALC, Inc.
		11142	AR Sacaton, LLC
		11143	AR Mexican Explorations, Inc.
		11144	Salero Ranch, Unit III, Community Association, Inc.
		11145	Covington Land Company
		11146	Government Gulch Mining Company Limited

	AGENCY/CREDITOR	CLAIM #	DEBTOR
		11147	Asarco Oil and Gas Company, Inc.
		11148	American Smelting and Refining Company
		11149	ASARCO Master Inc.
		11150	Bridgeview Management Company, Inc.
		11151	ASARCO LLC, et al
		11152	LAQ Canada, Ltd.
		11153	Lake Asbestos Of Quebec, Ltd.
		11154	Cement Asbestos Products Company
		11155	CAPCO Pipe Company, Inc.
		11156	Lac d'Amiante Du Quebec Ltee
		11157	ASARCO Consulting, Inc.
		11158	Encycle, Inc.
		11159	ALC, Inc.
		11160	AR Sacaton, LLC
		11161	AR Mexican Explorations, Inc.
		11162	Salero Ranch, Unit III, Community Association, Inc.
		11163	Covington Land Company
		11164	Government Gulch Mining Company Limited
		11165	Asarco Oil and Gas Company, Inc.
		11166	American Smelting and Refining Company
		11167	ASARCO Master Inc.
		11168	Bridgeview Management Company, Inc.
		11169	ASARCO LLC, et al
12.	Montana Dept. of Environmental Quality	10524	ASARCO LLC
		10525	ASARCO Consulting, Inc.
		10526	ASARCO Master Inc.
		10527	American Smelting and Refining Co.
13.	Montana, State of, Department of Justice	10841	ASARCO Master Inc.
		10842	American Smelting and Refining Co.
		10843	ASARCO, LLC
14.	Nebraska , State of, Department of Environmental Quality	10500	American Smelting and Refining Company
		10501	ASARCO LLC, et al.

	AGENCY/CREDITOR	CLAIM #	DEBTOR
15.	New Jersey, State of, Department of Environmental Protection	8056	ASARCO LLC
16.	New Mexico Energy, Minerals and Natural Resources Department, Mining & Minerals Division	9403	ASARCO, LLC
17.	New Mexico Environment Department	9400	ASARCO, LLC
		9401	ASARCO, LLC
		9402	ASARCO, LLC
18.	New Mexico, State of, by New Mexico Office of Natural Resources Trustee	10320	Salero Ranch, Unit III, Community Assc., Inc.
		10321	Government Gulch Mining Co., Ltd.
		10322	Covington Land Company
		10323	Bridgeview Management Co., Inc.
		10324	Asarco Oil & Gas Company, Inc.
		10325	ASARCO Master Inc.
		10326	AR Sacaton, LLC, an AZ Lmt'd. Liab. Co.
		10327	AR Mexican Explorations Inc.
		10328	American Smelting & Refining Co.
		10329	ALC, Inc.
		10330	Asarco Consulting, Inc.
		10331	Encycle, Inc.
		10332	ASARCO LLC
19.	Ohio Environmental Protection Agency	9993	American Smelting & Refining Co.
20.	Ohio Environmental Protection Agency, The	7865	ASARCO LLC, et al
21.	Oklahoma Department of Environmental Quality	7989	ASARCO LLC, et al
		10541	Bridgeview Management Co.
		10542	ASARCO Master (Federated Metals)
		10543	ASARCO Consulting, Inc.
		10544	ASARCO LLC et al f/k/a Asarco Inc, Asarco Incorporated
22.	Oklahoma, The State of	10857	IN RE ASARCO LLC ET AL
23.	Omaha, City of	9500	ASARCO LLC, et al.
24.	Quapaw Tribe of Oklahoma, The (O-Gah-Pah)	8012	ASARCO, LLC
25.	Tacoma, Metropolitan Park District of	5223	ASARCO LLC, et al
26.	Texas Commission on Environmental Quality	10449	ASARCO, L.L.C.
		10450	ASARCO, L.L.C.
		10451	ASARCO, L.L.C.
		10452	ASARCO, L.L.C.
		10453	ASARCO, L.L.C.
		10454	ASARCO, L.L.C.

	AGENCY/CREDITOR	CLAIM #	DEBTOR
		10455	ASARCO, L.L.C.
		10456	ASARCO, L.L.C.
		10457	ASARCO, L.L.C.
		10458	ASARCO, L.L.C.
		10459	American Smelting & Refining Co.
		10460	American Smelting & Refining Co.
		10461	American Smelting & Refining Co.
		10462	American Smelting & Refining Co.
		10463	American Smelting & Refining Co.
		10464	American Smelting & Refining Co.
		10465	American Smelting & Refining Co.
		10466	ASARCO Master, Inc.
		10467	ASARCO Master, Inc.
		10468	Encycle, Inc.
		10469	Encycle, Inc.
27.	Texas Natural Resource Trustees (Texas Commission on environmental Quality, Texas General Land Office, Texas Parks & Wildlife Department)	9815	ASARCO, LLC
		9816	American Smelting & Refining Co.
		9817	Encycle, Inc.
28.	United States of America on behalf of the United States Department of the Interior and The United States Department of Agriculture	10745	ASARCO, LLC
29.	United States of America, on behalf of the United States Environmental Protection Agency, the United States Department of Agriculture, and the Department of Interior	8375	In re Asarco LLC, et al.
30.	United States of America on behalf of the U.S. Environmental Protection Agency, Dept. of Agriculture, Dept. of the Interior, and the International Boundary and Water Commission	10746	ASARCO, LLC
31.	Utah Transit Authority	10342	ASARCO LLC f/k/a ASARCO INCORPORATED
32.	Washington State Department of Ecology	10716	Salero Ranch, Unit III, Comm. Assoc., Inc.
		10717	LAQ Canada, Ltd.
		10718	Lake Asbestos of Quebec, Ltd
		10719	Lac D'Amiante du Quebec Ltee
		10720	Government Gulch Mining Company, Limited
		10721	Encycle, Inc.
		10722	Covington Land Company
		10723	Cement Asbestos Products Company
		10724	CAPCO Pipe Company, Inc.
		10725	Bridgeview Management Company, Inc.

	AGENCY/CREDITOR	CLAIM #	DEBTOR
		10726	Asarco Oil and Gas Company, Inc.
		10727	Asarco Master Inc.
		10728	ASARCO LLC
		10729	Asarco Consulting, Inc.
		10730	AR Sacatan, LLC
		10731	AR Mexican Explorations Inc.
		10732	American Smelting and Refining Company
		10733	ALC, Inc.
		11098	Covington Land Company
		11099	Bridgeview Management Company, Inc.
		11100	Asarco Master Inc.
		11101	ASARCO LLC
		11102	AR Sacatan, LLC
		11103	AR Mexican Explorations Inc.
		11104	American Smelting and Refining Company
		11105	ALC, Inc.
		11106	Asarco Consulting, Inc.
		11107	Cement Asbestos Products Company
		11108	CAPCO Pipe Company, Inc.
		11109	Salero Ranch, Unit III, Community Association, Inc.
		11110	LAQ Canada, Ltd.
		11111	Lake Asbestos of Quebec, Ltd.
		11112	Lac d'Amiante du Quebec Ltee
		11113	Government Gulch Mining Company, Limited
		11114	Encycle, Inc.
		11115	Asarco Oil and Gas Company, Inc.
33.	Washington State Department of Natural Resources	10190	Asarco, Inc.

EXHIBIT B**LIST OF ENVIRONMENTAL CLAIMS FILED
BY PRIVATE PARTIES OR INDIAN TRIBES**

	PRP	CLAIM #	DEBTOR
1.	Apache Corp.	9278	Asarco Oil & Gas Company, Inc.
2.	Arkema Inc. (f/k/a) Atofina Chemicals, Inc.	3205	ASARCO LLC, et al
3.	Atlantic Richfield Company	10882	ASARCO LLC
		10888	ASARCO Master Inc.
4.	Atlantic Richfield Company, Amoco Oil, Amoco Production Co., Amoco Research Center, BP America, Inc., and BP Amoco PLC	10885	American Smelting and Refining Company
		10886	Asarco Mexicana (Delaware) Inc.
		10887	ASARCO LLC
5.	Atlantic Richfield Company and ARCO Environmental Remediation LLC	10883	American Smelting and Refining Company
		10884	ASARCO LLC
6.	Blue Tee Corp.	11055	In re Asarco LLC
		11200	In re Asarco LLC
7.	BNSF Railway Company	9741	ASARCO, LLC
		9742	American Smelting and Refining Co.
8.	BP America, Inc., Atlantic Richfield Company and ARCO Environmental Remediation LLC	10880	ASARCO LLC
		10881	American Smelting and Refining Company
9.	C.S. Land, Inc.	10425	ASARCO, LLC
10.	Cabinet Resources Group	7885	ASARCO LLC, et al
11.	California, State of	10831	ASARCO, INC.
12.	Chino Mines Company	11203	ASARCO LLC
		11207	ASARCO LLC
13.	Colorado School of Mines	9893	Asarco LLC, et al.
14.	Cooper Industries, Inc.	5255	ASARCO LLC, et al
		10901	ASARCO Master, Inc. fdba Federated Metals Corp.
		10903	ASARCO Master, Inc. fdba Federated Metals Corp.
15.	Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints	3300	ASARCO, LLC, et. al.
		3301	ASARCO, LLC, et. al.

	PRP	CLAIM #	DEBTOR
16.	Cotter Corporation	11064	Asarco LLC
17.	Cyprus Amax Minerals Company	10889	ASARCO LLC
		11202	ASARCO LLC
		11206	ASARCO LLC
18.	Denver, City & County of	8001	ASARCO LLC, et al
		8352	ASARCO LLC, et al
19.	DR Land Holdings, LLC	10540	IN RE ASARCO LLC, ET AL.
20.	Doe Run Resources Corporation, The D/B/A Doe Run Company, The	10539	IN RE ASARCO LLC, ET AL.
21.	El Dorado Apartments	9406	N/A
22.	El Paso, City of	9894	ASARCO LLC
23.	Elf Aquitaine Inc.	10504	ASARCO, INC.
24.	Encycle/Texas, Inc.	9305	Asarco
25.	Everett, The Housing Authority of the City of	10424	ASARCO LLC f/k/a ASARCO INCORPORATED
26.	Everett, Port of	10849	ASARCO LLC f/k/a ASARCO Incorporated or ASARCO, Inc.
27.	Federal Iron and Metal Inc. and Roan Real Estate, Inc.	8000	ASARCO LLC, et al
28.	General Metals of Tacoma a/k/a Schnitzer Steel of Tacoma, Inc.	3206	ASARCO LLC, et al
29.	Gold Fields Mining, LLP	11054	In re Asarco LLC
		11199	In re Asarco LLC
30.	Gould Electronics Inc.	10873	Asarco LLC
31.	Gulf Metals Industries, Inc.	5256	ASARCO LLC, et al
32.	Hecla Mining Company	9585	Asarco, LLC
33.	Hovsons, Inc. & Heritage Minerals, Inc.	11062	ASARCO LLC, ET AL
34.	IHC Health Services, Inc.	10996	ASARCO LLC
35.	Los Angeles, City of	10844	ASARCO, LLC
36.	Louisiana-Pacific Corporation	9586	ASARCO LLC, et al
37.	Meany-Walsh Properties No. 1 Ltd.	9789	ASARCO LLC, et al
		9790	ASARCO LLC, et al
38.	Montana Resources, Inc.	10872	ASARCO LLC.
		10876	ASARCO Master, Inc.
39.	Murray City Corporation	3002	ASARCO LLC, et al
40.	Murray Pacific Corp.	10742	ASARCO LLC.
41.	Newmont Mining Corporation and Newmont USA Limited	11007	ASARCO, LLC
42.	NL Industries, Inc.	11002	ASARCO, LLC

	PRP	CLAIM #	DEBTOR
43.	Oblegay Norton Minerals	9824	ASARCO, LLC, et. al.
44.	PA-PDC Perth Amboy, LLC	2862	ASARCO, LLC, et al.
45.	Petroleum Reclaiming Service, Inc. D/B/A PRS Group, Inc.	10832	ASARCO, LLC
46.	Phelps Dodge Corporation	11201	ASARCO LLC
		10205	ASARCO LLC
47.	Resurrection Mining Company	11006	ASARCO, LLC
48.	Roan Real Estate Company, Inc. and Federal Iron and Metal, Inc.	10836	ASARCO, INC.
49.	Stolthaven Perth Amboy Inc.	10837	Asarco, LLC f/k/a ASARCO Incorporated or ASARCO Inc.
50.	Strider Construction Co., Inc.	8007	ASARCO, LLC, et. al.
51.	Union Pacific Railroad Company	10855	Asarco LLC
52.	VTHR Claimants	9883	ASARCO, LLC
		9884	ASARCO, LLC
		10737	ASARCO, LLC
		10738	ASARCO, LLC
53.	Wasser & Winters Company	9889	Asarco LLC, et al
		9998	Asarco LLC, et al
54.	Wernstein Properties Inc.	9556	N/A

EXHIBIT C

LIST OF ENVIRONMENTAL CLAIMS ORGANIZED BY SITE AND TYPE

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
AZ	Flux Mine Site	No	Past EPA response costs.	\$11,365.72	10746	None	10828	None	N/A
			Future response costs.	\$170-\$250K		\$48,833,288, (figure includes 7 other properties.)			
AZ	Non-Operating Sites, including: (1) Trench Camp Mine, (2) Salero Ranch Mine, (3) KCC Smelter (Hayden, AZ), (4) Flux Mine Site, (5) Helvetia (Rosemont), (6) Madera Canyon, (7) Sacaton, (8) Santa Cruz Property.	Yes, (1), (2), (3), (6), (7) and (8)	Future response costs.	No, except: \$170-\$250K for the Flux Mine Site.	10746	\$48,833,288	10828	None	N/A
			Reclamation costs	None	N/A	\$24,000 (Santa Cruz only)	10741		
AZ	Hayden Facility	Yes	Past response costs	\$2,554,058.	10746	None	10828	None	N/A
			Future response costs for RI/FS in 2007	\$400,000.		\$5.5MM, but also includes future remediation costs and assessment of ASARCO's property, in addition to nearby residential			
			Future residential property cleanup	\$150,000. – \$1,500,000.		\$5.5MM, covers "proximate" residential (or Gila River Sediment), but also			

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			Future onsite remediation costs	None	N/A	assessment and remediation of ASARCO's property.			
			Hayden post-bankruptcy consent agreement penalty	\$62,411.	10746	None	N/A		
			Past Permitting Fees	None	N/A	\$48,336.97	10828		
			Closure and post-closure costs			\$4,632,848			
			UST release response costs (characterization and remediation)			\$500,000			
			State NRD	None		\$5,000,000. (part of Ray Mine claim)	10827		
			Reclamation costs			\$2,847,000	10741		
			<i>Amparano v. Asarco</i> , No. (20023364, Sup. Ct. for the State of Arizona in and for the County of Gila (Class action(s) for med. monitoring, property damage/ remediating property damage/diminution of value, general liability, and punitive damages; 261 claimants)	None		None	N/A	N/A	
			Payment to EPA from ASARCO environmental trust	<\$1,000,000.>	10746	None	N/A	None	N/A
AZ	Mission Complex	?	1990 UST annual tank fees	None	N/A	\$722.96	10828	None	N/A

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			Closure and post-closure costs			\$16,946,051			
			Reclamation costs			\$3,834,000	10741		
AZ	Ray Mine (Mineral Creek) Site	Yes, per 10745.	Future DOI NRD restoration, oversight and assessment project costs	\$645,500.	10745	\$5,000,000. (also includes damage to Gila River (Hayden) [duplicated above])	10827	None	N/A
			Past DOI NRD assessment costs	\$16,829.87	10745	None			
			2005 Processing Fee for Permit	None	N/A	\$708	10828		
			Future Closure and post-closure costs under Aquifer Protection Permits			\$7,275,000.			
			Future characterization and remediation costs of 11 UST releases			\$5,500,000.			
			Reclamation costs			\$990,000	10741		
AZ	Silver Bell	Yes, operated by JV with Mitsui	Permit fees	None	N/A	\$2,695.91	10828	None	N/A
			Closure and post closure costs			\$9,075,000			
			Reclamation costs			\$1,143,000	10741		
CA	Federated Metals Site	Yes, by Federated	Future O&M response costs	None	N/A	\$52,390.00	10529	None	N/A

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
		sub.	Penalty for failure to provide financial assurances			Undetermined			
CA	Golinsky Mine Site	No, .	Past USFS response costs	\$2,264,476.	8375	No	N/A	None	N/A
			Future response costs to implement revised EE/CA	\$6,581,080.	10746				
CA	Selby Smelter Site	No, per 10529	Past response costs	None	N/A	\$114,319.15 (oversight costs through 6/30/06)	10529	(1) CA State Lands, \$225,509 (equitable/contractual indemnity for ASARCO's ongoing and current and anticipated share of Phase I costs); (2) C.S. Lands, \$227,563 (past costs paid by C.S. Land)	(1) 10831; (2) 10425
			Future oversight costs (30 yr)			\$275,000		(1) CA State Lands, \$25.2MM to \$39.9 MM (equitable and contractual indemnity for ASARCO's estimated share of post-Phase I "cost to closure" estimates of \$60MM to \$95MM); (2) C.S. Land, \$20MM to \$40 MM (based on ASARCO's share of \$60MM to \$95MM closure costs)	N/A
			Future remediation costs			\$11,815,000.			(1) 10831; (2) 10425
CA	Los Angeles Harbor	No	Settlement payment	None	N/A	None	N/A	(1) \$40,000 (settlement amount)	(1) 10844

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
CO	Black Cloud Mine	No, Resurrection/ASARCO JV owns	Reclamation costs, including bonding	None	N/A	\$4,114,000 (includes \$2,233,400 secured by reclamation bond and \$3,263.84 from sale of deed of trust)	10405	(1) Resurrection, undetermined (reclamation); (2) Newmont, undetermined (duplicates Resurrection)	(1) 11006; (2) 11007
CO	Bonanza Mining District, Sagauche County	No	Future response costs at the Rawley 12 bulkhead, waste rock and mill tailings repository and 6 additional years of monitoring	None	N/A	\$560,000 (\$312,000 bulkhead, \$162,000 mill tailings, \$86,000 monitoring)	10408	None	N/A
CO	California Gulch Superfund Site / Arkansas River Basin	No	Future DOI NRD costs for terrestrial compensatory restoration costs	\$17,700,000. – \$26,600,000.	10745	\$64,968,775, but this figure appears to include all future NRD costs and overlap with future federal claims.	10408	(1) Resurrection, undetermined (2) Newmont, undetermined, adopts Resurrection.	(1) 11006 (2) 11007
			DOI NRD future restoration planning costs	\$2,767,000.					
			Future DOI NRD costs for primary restoration of Arkansas River/11-Mile Reach	\$3,700,000.					
			Future DOI NRD costs for compensatory restoration of Arkansas River/11-Mile Reach for loss of public use	\$9.6-12.7MM.					
			Future DOI NRD costs for compensatory restoration of Arkansas River/Downstream Reach for damage aquatic and riparian habitat	\$25,000,000					

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			Past NRD assessment costs	\$3,539,623.	8375	\$1,175,182.66			
		No, Resurrection Mining owns	OU1 - Future operation of Yak Tunnel Water Treatment Plant	\$750,000/yr. or \$22,500,000 (30 yr)	10746	\$720,000/yr. or \$13,706,000 (30 yrs.)			
			OU1 - Future response costs for potential Yak Tunnel collapse	\$20-\$30MM		None			
			OU1 - Past response costs for Yak Tunnel work	\$1,496,586		\$42,533.82		(1) Resurrection, undetermined (2) Newmont, undetermined, adopts Resurrection.	
		No	OU4, OU8 and OU10 Past response costs	None	N/A	None	N/A	(1) Resurrection, undetermined (2) Newmont, undetermined, adopts Resurrection.	(1) 11006 (2) 11007
			OU5, OU7 and OU9 Past response costs	\$809,791.	8375	\$246,252.22	10408	None	None
			OU5, OU7 and OU9 Future oversight and technical assistance	None	N/A	\$2,537,680 (covers next 10 yrs)			
			OU5 - Future Smelter site cleanup under 1994 Leadville Decree	\$1,000,000	10746	\$682,000		None	N/A
			OU5 - Future O&M on smelter site cleanup	\$20,000/yr.		\$358,000			
			OU7 - Future O&M on remedy for seeps from Apache Tailings Impoundment	\$10-\$30K/yr.		\$13,280/yr. or \$253,000 (30 yrs)			

<u>ST</u>	<u>SITE</u>	<u>OWNED</u> <u>(current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			OU9 - Future response actions to address risks to children under 1994 Leadville Decree	\$600K- \$3MM		\$2,963,693 (30 yrs), in addition to Trust Fund discussed below.		(1) Union Pacific, \$54, 746,487 (for past/future response costs at Coeur d'Alene and Silver Valley, ID; Jacobs Smelter in UT; Leadville, CO; and Commencement Bay, Washington	(1) 10855
			OU11 - Past response costs for work within Arkansas River Plain	\$5,930,866		\$44,325.68		(1) Resurrection, <i>undetermined (no costs incurred, cautionary claim based on contribution/indemnity agreements)</i>	(1) 11006
			OU11 - Future costs for work within Arkansas River Plain	\$5,200,000		\$1,919,847 (30 yrs.), includes 10% of remedy costs or \$409,847 of \$4.1MM, annual O&M costs of \$16,200, plus 3 years of intensive maintenance at \$414,000 per year.		(2) Newmont, <i>undetermined, adopts Resurrection.</i>	(2) 11007
			OU12 - Past costs for site-wide work on surface and groundwater quality	\$1,463,321		\$577,412.06		(3) NL, <i>undetermined (no costs incurred)</i>	(3) 11002
			OU12 - Future costs for site-wide work on surface and groundwater quality	\$12-\$15MM		\$208,500 for CO's 10% share of remedy, \$652,000 for O&M (period not specified)			
			Funds in LCCHP Trust	\$868,000 (segregated trust funds), plus remaining trust funds		\$868,000 (segregated trust funds), plus remaining trust funds		None	N/A
CO	Globe Site	Yes	Past EPA response costs	\$66,283.	10746	None	10408	None	N/A
			Future remediation oversight costs for entire site	None		\$509,588			

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			OU1, OU2, and OU4 - Future response costs for ASARCO-owned portions of site	\$10,000,000.		\$15,310,050 (OU1 & OU2, see note))			
		No	OU3 - Future response costs for work on non- ASARCO-owned portions of site.	\$4,000,000.		\$3,000,464		(1) BNSF Railway, \$990K- \$3.37MM; (2a) Denver, \$750,000 (remediation of North Side Treatment Plant Detention Pond (pursuant to the '93 Consent Decree); (2b) Denver, \$250,000 (remediation of city-owned properties in Globeville)	(1) 9741; (2) 8001
		Yes	Permit processing fees (synthetic minor permit submitted October 12, 1995)	None	N/A	\$2,784.94		None	N/A
			Annual Air Emissions Fees, due July 2, 2005			\$82.86			
CO	Colorado School of Mines (CSM)	No	Past response costs	None	N/A	None	N/A	(1) Cotter, \$3,090,966.74 (CSM list of costs attached); (2) Elf, \$3,090,966.74 (CSM list of costs attached); (3) CSM, \$3,090,966.74	(1) 11064; (2) 10504; (3) 9893

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			Future response costs					(1) BP Entities, undetermined); (2) Cotter, \$5,255,086.37 (future costs, CSM list attached); (3) Elf, \$5,255,086.37 (future costs, CSM list attached); (4) CSM, \$5,255,086.37 ; (5) NL, undetermined	(1) 10887; (2) 11064; (3) 10504; (4) 9893; (5) 11002
			Future NRD costs					(1) BP Entities, undetermined	(1) 10887
CO	Silverton, San Juan County	Yes	Future response costs (cost to remediate Silver Lake for mill tailings)	None	N/A	\$3,587,580	10408	None	N/A
CO	Summitville	No	Settlement	None	N/A	\$86,000 (settlement)	10408	None	N/A
CO	Vasquez Blvd./Interstate 70 Superfund Site	No	OU2 - Past response costs	\$224,871.	8375	\$17,794.68 (through June 30, 2005)	10408	None	N/A
			OU2 - Future costs for completion of RI/FS and remedy	\$2,970,000.	10746	Undetermined (general claim that ASARCO responsible for state's response costs w/ respect to site)		(1a) Denver, \$725,000 (for RI/FS study EPA asked Denver to finish (1b) Denver, undetermined (general claim for required remedy, if any)	(1) 8001
			OU1 - Past response costs	\$122,305.		\$13,008.21 (through June 30, 2005)		None	N/A
			Past EPA oversight costs	\$122,305.	8375	None (see above entry)			

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC	
			OU1—Future remediation costs	None	10746, 8375	\$30,000 based on 10% of \$300,000 EPA estimate to remediate last 30 yards				
			OU1—Future operations and maintenance with regard to soils placed at Globe site.			\$100,000 (for "continued" costs)				
CO	N/A	N/A	Failure to maintain JV properties	None	N/A	None	N/A	(1) Resurrection, undetermined; (2) Newton, undetermined (duplicative)	(1) 11006; (2) 11007	
			Damages for failure to perform environmental obligations under dissolution agreement							
ID	Bunker Hill Superfund Facility/Coeur d'Alene Basin	Yes, w/ respect to the "Bunker Hill Box"	OU1 - Past costs incurred implementing 1994 Consent Decree (EPA and Corps of Engineers)	\$14,724,480.	10746	None	11053	(1) HECLA, \$2,051,497 (plus \$361,618.98 in Joint Defense fees)	(1) 9585	
			OU1 - Future costs to complete 1994 Consent Decree work including funding of institutional controls, and Page Ponds	\$27,540,000.		\$27,540,000 (notes that may be same as federal)		(1) HECLA, reserved, but none noted.		
		No	Gem Portal and Jack Waite Mine - Past removal actions (see Jack Waite below for USDA costs)	\$3,595 - through July 31, 2005.	8375	None			None	None
			Gem Portal - Past EPA oversight costs for performance of EE/CA	\$8,357.	10746					

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			Gem Portal - Future EPA removal action to address acid mine drainage to Canyon Creek	\$9,946,175.					
			Frisco Mine and Mill - Past removal actions	\$1,599, through July 5, 2005.	8375				
			OU3 Past Costs - RI/FS, formulating, issuing and implementing the Basin ROD and emergency removal actions	\$113,848,073.	10746				
			OU3 Future Costs - Implementation of interim and non-final ROD for protection of human health in residential areas, 30-years of prioritized actions for ecological protection on the Upper and Lower Basins, complete remedy for ecological protection of Spokane River between Upriver Dam and Washington border, and complete remedy for human health upstream of Upriver Dam in the Spokane River	\$326,000,000.				(1) Union Pacific, \$54,746,487 (for past/future response costs at Coeur d'Alene and Silver Valley, ID; Jacobs Smelter in UT; Leadville, CO; and Commencement Bay, Washington	(1) 10855
			OU3- Enforcement costs	\$23,447,801.				None	None
			OU3 - Final ROD implementation	Unspecified					
			Past natural resource damage assessment and restoration planning	\$11,606,833.28 (DOI); \$555,640.91 (USDA)					

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			Future NRD costs including restoration, acquisition of equivalent resources, compensation for interim loss of resources, and oversight and assessment costs.	\$304,000,000				(1) Tribe, \$839,500,000 (this claim would be reinstated if settlement below not paid)	(1) 11013
			Settlement payments	None	N/A	\$2,000,000 (settlement agreement security)	10993	None	N/A
ID	Jack Waite Mine Site (see entry in Bunker Hill)	No	Past USDA response costs	\$116,539.	8375	None	N/A	None	N/A
			Future USDA response costs	\$8,236,000.	10746				
ID	Triumph Mine Site	No as to the mine and the tailings pond. Yes as to adjacent properties and formerly a nearby mine.	Response costs	None	N/A	(1) \$406,500 (ASARCO's half of long term O&M at "Soil Remediation Unit") (2a) \$813,000 (long term O&M at "Soil Remediation Unit," joint & several with Idaho Dept of Land--this claim is duplicative of (1) above); (2b) \$498,000 to \$4,005,000 at "Mine Portal Water Remediation Unit," depending on whether O&M only (first figure) or wetland treatment is also needed.	(1) 10847; (2) 11053	(1) NL, undetermined (future response costs)	(1) 11002
IL	Circle Smelting Site	Yes, certain	Past EPA response costs	\$8,008,637.50	10746	None	N/A	None	N/A

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
		portions	Future O&M costs for closed site	\$5,000 per year					
			Remaining ASARCO site work	Undetermined					
IL	Taylor Springs (Hillsboro)	Yes, certain portions	Past EPA response costs	\$174,155.57	10746	None	N/A	None	N/A
			Future EPA response costs	\$9-38MM					
IN	Whiting	Yes, by Master, Federated	Future response costs under RCRA Corrective Measures Implementation Plan	None	N/A	\$3,000,000 (claimed by Indiana Dept. of Environmental Management)	9387	None	N/A
IN	American Chemical Services, Griffin; Conservation Chemical Site, Gary; Four County Landfill, DeLong.	No	Superfund hazardous substance past response costs (b/c Ethone-OMI disposed of wastes at the sites)	None	N/A	\$1,500	9388	None	N/A
KS	Cherokee County Superfund Site (1 of 4 Tri-state sites)	No	OU2 - Future EPA response costs for Spring River	Undetermined	10746	None	N/A	(1) Blue Tee, undetermined (general response costs for Tri-State); (2) Gold Fields, undetermined (general response costs for Tri-State)	(1) 11055; (2) 11054

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			OU3 (Baxter Springs) & OU4 (Treece) - Past response costs	\$27,373. (ASARCO's share)	8375			(1) Cyprus, undetermined; (2) NL, \$4.3MM; (3) Blue Tee, undetermined (general response costs for Tri-State); (4) Gold Fields, undetermined (general response costs for Tri-State)	(1) 10889, (2) 11002; (3) 11055; (4) 11054
			OU3 (Baxter Springs) & OU4 (Treece) - Future response costs	\$8,000,000. (not clear if just ASARCO's share)	10746	\$1,821,767 (based on 10% match and Long-term O&M and oversight)	11086	(1) Cyprus, undetermined, including future NRD.; (2) NL, undetermined; (3) Blue Tee, undetermined (general response costs for Tri-State); (4) Gold Fields, undetermined (general response costs for Tri-State)	(1) 10889, (2) 11002; (3) 11055; (4) 11054
			NRD-Terrestrial Restoration	\$18,917,152	Albert Chart, see 10745.	\$264,272,187 (primary restoration costs: includes sediments, but also bank/channel restoration and revegetation).	11094	(1) Cyprus, undetermined, including future NRD; (2) Blue Tee, undetermined (general NRD costs for Tri- State); (3) Gold Fields, undetermined (general NRD costs for Tri-State)	(1) 10889; (2) 11055; (3) 11054
			NRD-Restoration of sediments	\$280,576,789		\$26,883,200 (compensatory restoration: including for terrestrial and riparian areas; also includes \$40,000 floristic quality index study)			
			NRD-Restoration of riparian corridor	\$12,847,516					
			NRD-Mussels habitat restoration	\$1,324,800		Not addressed specifically.			
			NRD-Groundwater restoration	\$0		\$964,921 (damages to groundwater).			
			NRD-Surface water restoration	Not specified.		\$42,536,266 (damages to surface water)			

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			NRD-Future Restoration Planning	\$634,586		Appears to be included in primary restoration costs figure above.			
			Past NRD costs	\$7,989,279. (past NRD planning and oversight costs for all 4 Tri-State sites)	10745	\$26,150			
			Remedial Action Costs Overlap	<\$14,500,000> (includes all 4 Tri-state sites)		Not specified.		None	N/A
			Credit for prior bankruptcy amounts	<\$2,214,517> (includes all 4 Tri-state sites)					
			Toxic Tort liability - as yet un-filed cases	None	N/A	None	N/A		
MO	Big River Mine Tailings and Federal Mine Tailings Sites (1 of 5 South-east MO Lead Dist. Sites)	No	Past EPA response costs at the Federal Mine site	\$238,321.	10746	10% of federal costs or \$23,832	11134	(1) Doe, at least \$262,000 (through 2004 for St. Francois County environmental remediation (Big River & Federal Mine)	(1) 10539
			Future EPA response costs at the Federal Mine site	\$8,000,000.		10% of federal costs or \$800,000.		(1) Doe, undetermined.	
			Past EPA response costs at the Big River site	\$936,750.		10% of federal costs or \$93,675 (\$80,229 appears to be the actual estimate in 11134)		(1) Doe, at least \$262,000, see above (through 2004 for St. Francois County environmental remediation (Big River & Federal Mine)	
			Future EPA response costs at the Big River site	\$10-\$20MM.		10% of federal costs or \$2,000,000.		(1) Doe, undetermined.	
			Future O&M Costs at Federal Mine Site	None	N/A	\$600,593. (includes FTE of \$91,193, Sampling & Permits of \$195,000, and \$314,400 for other activities)			

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			Future EE/CA costs at the Federal Mine Site	Undetermined	10746	None	N/A		
			Future RI/FS costs to assess impacts from all piles in St. Francois County						
			Contribution and indemnity from third party lawsuits	None	N/A			(1) Doe, undetermined	
			NRD-Operation and Maintenance	Not specified.	Albert Chart, see 10745.	\$28,940,120.	11116	(1) Doe, undetermined	
			NRD-Terrestrial Restoration	\$30,602,872.		\$29,871,900.			
			NRD-Restoration of sediments	\$228,208,138.		\$197,526,346. (includes sediments, banks/channels)			
			NRD-Restoration of riparian corridor	\$1,553,750		See above.			
			NRD-Mussels habitat restoration	\$1,424,800		Appears to be included in other figures.			
			NRD-Groundwater restoration	\$0		\$0			
			NRD-Surface water restoration	Not specified.		\$3,096,050.			
			NRD-Future Restoration Planning	\$730,972		\$326,560.			
			Past NRD costs	Not specified.	10745	\$8,669.47			
			Remedial Action Costs Overlap	<\$6,400,000> (includes all Southeast MO Lead Dist. Sites)		<\$2,268,000>			

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
MO	Jasper County Superfund Site (2 of 4 Tri-state sites)	No	OU1 - Past EPA response costs addressing soil, surface water and sediment cleanup of mining and mill waste	\$2,669,114.78	10746	10% of federal costs or \$10,784,039	11134	(1) NL, undetermined; (2) Blue Tee, undetermined (general response costs for Tri-State); (3) Gold Fields, undetermined (general response costs for Tri-State)	(1) 11002; (2) 11055; (3) 11054
			OU1 - Future EPA response costs	\$18,490,000.					
			OU5- Future response costs for cleanup of 120,000 linear feet of stream below ASARCO properties.	\$9,600,000.					
			OU1 and OU5 - Unspecified future response costs.	\$4,494,400.					
			Future O&M Costs	None	N/A	\$1,280,011. (includes FTE of \$91,111, Sampling & Permits of \$975,000, and \$213,900 for other activities)		(1) Blue Tee, undetermined (general response costs for Tri-State); (2) Gold Fields, undetermined (general response costs for Tri-State)	(1) 11055; (2) 11054
			NRD-Operation and Maintenance	Not specified.	Albert Chart, see 10745.	\$11,791,120	11116	(1) NL, undetermined (notes that ASARCO joint and several for all NRD costs, but share not yet determined); (2) Blue Tee, undetermined (general NRD costs for Tri-State); (3) Gold Fields, undetermined (general NRD costs for Tri-State)	(1) 11002; (2) 11055; (3) 11054
			NRD-Terrestrial Restoration	\$12,015,772		\$11,284,200			
			NRD-Restoration of sediments	\$69,568,886		\$68,677,558 (includes sediments, banks/channels)			
			NRD-Restoration of riparian corridor	\$974,750		See above.			
			NRD-Mussels habitat restoration	\$1,424,800		Appears to be included in other figures.			

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			NRD-Groundwater restoration	\$27,351,060		\$96,097,142			
			NRD-Surface water restoration	Not specified.		\$2,399,500			
			NRD-Future Restoration Planning	\$730,972		\$326,560			
			Past NRD costs	\$7,989,279. (past NRD planning and oversight costs for all 4 Tri-State sites)	10745	\$72,890.36 (from NRD chart at back)		(1) Blue Tee, undetermined (general NRD costs for Tri-State); (2) Gold Fields, undetermined (general NRD costs for Tri-State)	(1) 11055; (2) 11054
			Remedial Action Costs Overlap	<\$14,500,000> (includes all 4 Tri-state sites)		<\$13,616,150>		None	N/A
			Credit for prior bankruptcy amounts	<\$2,214,517> (includes all 4 Tri-state sites)		Not specified.	11094		
			Toxic Tort liability - as yet un-filed cases	None	N/A	None	N/A		
MO	Madison County Site, includes Catherine Mine (2 of 5 Southeast MO Lead Dist. Sites)	No	Past EPA response costs	\$22,821,096.	10746	10% of federal costs or \$3,594,699	11134	None	N/A
			Future EPA response costs	\$35,946,986.					
			Future O&M Costs	None	N/A	\$347,640. (includes FTE of \$91,141, Sampling & Permits of \$195,000, and \$61,500 for other activities)			
			NRD-Operation and Maintenance	Not specified.	Albert Chart, see 10745.	\$4,937,580.	11116		
			NRD-Terrestrial Restoration	\$3,582,982.		\$2,852,010.			

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			NRD-Restoration of sediments	\$14,735,791.		\$5,145,277. (includes sediment s, banks/channels)			
			NRD-Restoration of riparian corridor	\$70,000.		See above.			
			NRD-Mussels habitat restoration	\$0		Appears to be included in other figures.			
			NRD-Groundwater restoration			\$934,588			
			NRD-Surface water restoration	Not specified.		\$1,424,800.			
			NRD-Future Restoration Planning	\$730,972		\$326,560.			
			Past NRD costs	Not specified.	10745	\$14,640.08 (from NRD chart at back)			
			Remedial Action Costs Overlap	<\$6,400,000> (includes all Southeast MO Lead Dist. Sites)		<\$453,900>			
MO	Newton County Superfund Site (3 of 4 Tri-state sites)	No,	Past and future EPA response costs at Granby Subdistrict site	\$1,958,564.	10746	10% of federal costs or \$472,054	11134	(1) Blue Tee, \$4,000,000 (cost recovery and contribution suit for past/future CERCLA costs), and general Tri-State response costs; (2) Gold Fields, undetermined (general response costs for Tri-State)	(1) 11055; (2) 11054
			Past and future EPA response costs at Spring City/Spurgeon Subdistrict site	\$1,582,245.					
			Future O&M Costs	None	N/A	\$634,759. (includes FTE of \$91,159, Sampling & Permits of \$390,000, and \$153,600 for other activities)			

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			NRD-Operation and Maintenance	Not specified.	Albert Chart, see 10745.	\$11,791,120	11116	(1) Blue Tee, undetermined general Tri-State NRD; (2) Gold Fields, undetermined (general NRD costs for Tri-State)	
			NRD-Terrestrial Restoration	\$9,903,572		\$9,172,600			
			NRD-Restoration of sediments	\$87,207,629		\$63,261,494 (includes sediments, banks/channels)			
			NRD-Restoration of riparian corridor	\$822,500					
			NRD-Mussels habitat restoration	\$100,000		Appears to be included in other figures.			
			NRD-Groundwater restoration	\$44,674,560		\$157,400,490			
			NRD-Surface water restoration	Not specified.		\$2,247,300			
			NRD-Future Restoration Planning	\$730,972		\$326,560			
			Past NRD costs	\$7,989,279. (past NRD planning and oversight costs for all 4 Tri-State sites)	10745	\$972.63 (from NRD chart at back)	11094	None	N/A
			Remedial Action Costs Overlap	<\$14,500,000> (includes all 4 Tri-state sites)	10745	<\$900,000>			
			Credit for prior bankruptcy amounts	<\$2,214,517> (includes all 4 Tri-state sites)	10745	Not specified.			
			Toxic Tort liability - as yet un-filed cases	None	N/A	None	N/A		

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC	
MO	Sweetwater Mine, Reynolds County (3 of 5 Southeast MO Lead Dist. Sites)	No	Contribution/indemnity for damages, response costs asserted due to contamination.	None	N/A	None	N/A	(1) DR, undetermined (claim against parties involved in the case <i>Nadist v. Doe Run Co.</i> , Case No. 06-CV-00969.); (2a) Doe Run, \$12.4MM split between (a) Sweetwater, (b) Glover, and (c) West Fork; (2b) Doe Run, undetermined (all third party claims)	(1) 10540; (2) 10539	
			Future O&M Costs			\$481,785.79 (includes FTE of \$91,185, Sampling & Permits of \$195,000, and \$195,600 for other activities)	11134	(1) Doe Run, undetermined (general indemnity claim against all third party claims, including NRD)	(1) 10539	
			NRD-Operation and Maintenance	Not specified.	Albert Chart, see 10745.	\$7,149,913.	11116			
			NRD-Terrestrial Restoration	\$18,829,558.		\$18,585,900.				
			NRD-Restoration of sediments	\$12,837,293.		\$3,246,775.26. (includes sediments, banks/channels)				
			NRD-Restoration of riparian corridor	\$70,000.		See above.				
			NRD-Mussels habitat restoration	\$0		Appears to be included in other figures.				
			NRD-Groundwater restoration			\$2,972,445				
			NRD-Surface water restoration	Not specified.		\$70,000.				
			NRD-Future Restoration Planning	\$730,972		\$217,707.				
			Past NRD costs	Not specified.		10745				Not specified.

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			Remedial Action Costs Overlap	<\$6,400,000>		<\$0>		None	N/A
MO	West Fork Mine, Reynolds County (4 of 5 Southeast MO Lead Dist. Sites)	No	Contribution/indemnity for damages, response costs asserted due to contamination.	None	N/A	None	N/A	(1a) Doe Run, \$12.4MM split between (a) Sweetwater, (b) Glover, and (c) West Fork; (2b) Doe Run, undetermined (all third party claims)	(1) 10539
			Future O&M Costs			\$344,342.70 (includes FTE of \$91,185.70, Sampling & Permits of \$195,000, and \$58,200 for other activities)	11134	(1) Doe Run, undetermined (general indemnity claim against all third party claims, including NRD)	
			NRD-Operation and Maintenance	Not specified.	Albert Chart, see 10745.	\$7,149,913.	11116		
			NRD-Terrestrial Restoration	\$5,776,558.		\$5,532,900.			
			NRD-Restoration of sediments	\$15,005,139.		\$5,395,620. (includes sediment s, banks/channels)			
			NRD-Restoration of riparian corridor	\$70,000.					
			NRD-Mussels habitat restoration	\$0		Appears to be included in other figures.			
			NRD-Groundwater restoration			\$844,439			
			NRD-Surface water restoration	Not specified.		\$68,250.			
			NRD-Future Restoration Planning	\$730,972		\$217,707.			
			Past NRD costs	Not specified.	10745	Not specified.			

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			Remedial Action Costs Overlap	<\$6,400,000> (includes all Southeast MO Lead Dist. Sites)		<\$0>		None	N/A
MO	Glover Smelter, Iron County (5 of 5 Southeast MO Lead Dist. Sites)	No,	Future response costs	None	N/A	\$12,573,500 to \$13,107,300 (For 2006: \$1,749,000 to \$2,282,800; For 2008: up to \$10,824,500.) (see 11152 for add'l details)	11152	(1a) Doe Run, \$12.4MM split between (a) Sweetwater, (b) Glover, and (c) West Fork (Contribution/indemnity for damages, response costs, and includes work outlined in MO Consent Decree; (2b) Doe Run, undetermined (all third party claims)	(1) 10539
			Future monitoring and maintenance costs			\$1,373,460 (30 yr.)		(1) Doe Run, undetermined (general indemnity claim against all third party claims, including NRD)	
			NRD-Operation and Maintenance	Not specified.	Albert Chart, see 10745.	\$7,149,913.	11116		
			NRD-Terrestrial Restoration	\$2,201,233		\$1,957,575.			
			NRD-Restoration of sediments	\$12,863,907.		\$6,885,436.53. (includes sediments, banks/channels)			
			NRD-Restoration of riparian corridor	\$91,000.		See above.			
			NRD-Mussels habitat restoration	\$0		Appears to be included in other figures.			
			NRD-Groundwater restoration	\$0		\$578,988.			
			NRD-Surface water restoration	Not specified.		\$33,250.			

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			NRD-Future Restoration Planning	\$730,972		\$217,707.			
			Past NRD costs	Not specified.	10745	Not specified.			
			Remedial Action Costs Overlap	<\$6,400,000> (includes all Southeast MO Lead Dist. Sites)		<\$3,690,260>		None	N/A
MO	Viburnum Trend Hauls Road	No	Past response costs (residential cleanup)	None	N/A	None	N/A	(1) VTHR, \$1,682,482.94 (time critical costs)	(1) 10738
			Future response costs (residential cleanup)					(1) BP, undetermined (2) VTHR, undetermined	(1) 10880; (2) 10737
			Future NRD (residential cleanup)					(1) BP, undetermined	(1) 10880
MT	Barker-Hughesville Mining District - Block P Mine	No	Past response costs	None	N/A	None	N/A	(1) Doe Run, \$3,700,000 (estimate of obligations to date; a contribution / indemnity claim)	10539
			Future response costs			\$7,500,000 (MTDEQ's estimated share of the costs; joint and several)	10524	(1) Doe Run, undetermined	
			Contribution/Indemnity from third party claims, including NRD and tort			None	N/A		

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
MT	Black Pine Mine Site	Yes, .	Future USDA response costs for removal of contaminated soil on NFS land.	\$188,016.	10746	None	N/A	None	N/A
			Future response costs for cap of waste rock dump and water treatment.	None	N/A	\$5,250,000 (\$250,000 for final cover of waste dump and \$5,000,000 for future water treatment)	10524		
MT	Combination Mine Site (part of Black Pine Mine Complex)	Yes	Past EPA response costs related to Lower Willow Creek restoration.	\$31,712.	8375	None	N/A	None	N/A
			Future EPA response costs related to Lower Willow Creek restoration, including EE/CA.	\$510,325.	10746				
MT	East Helena Superfund Site	Yes, except some off-site cleanups	Past response costs	\$1,805,772.	10746	None	N/A	(1) BNSF, \$1.25MM (amount spent 2000 to 2005 on "cap/removal of ballast, and remove/replace of residential soil" -	(1) 9741
			Future funding of Lead Education and Abatement Program	\$1,500,000.				None	N/A
			Completion of 110 additional yard cleanups under current protocol	\$4,300,000.		\$14,300,000 contingent cost match for future remediation, operation, and maintenance expense.	10524	(1) BNSF, \$7.1MM to 20MM (amount to be spent on "cap/removal of ballast, and remove/replace of residential soil")	(1) 9741
			Potential cleanup of non-residential properties.	Undetermined				(1) BNSF, \$2.25MM to \$7.69MM (cleanup of yard adjacent to former smelter)	

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			AOC 91-17 & East Helena Decree stipulated penalties	\$6,018,000.	8375	None	N/A	None	N/A
			1998 RCRA/CWA settlement stipulated penalties	Undetermined	10746				
			RCRA Corrective Action (conduct investigations and appropriate cleanup activities, including SEP-- appears to include actions required by prior orders)	Undetermined	10746	\$14,300,000 contingent cost match for future remediation, operation, and maintenance expense.	10524		
			RCRA Violation Penalty for failure to permit hazardous waste storage facility	None	N/A	\$29,859			
			RCRA Violation Penalty for improper storage of hazardous s wastes (see below)	No		\$179,924.			
			"Certain remedial activities" at smelter (part of consent decree for RCRA violation described above)			Undetermined			
			Future NRD costs	None		\$20MM (in addition to other state and federal claims)	10843		
MT	Iron Mountain Mine Site	Yes, partial	Past response costs.	\$83,519. (USDA)	8375	\$1,260.61 (oversight)	10524	None	N/A

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			Future response costs for implementing EE/CA	\$1,500,000. (USDA)	10746	at least \$4,000,000 ("total future remediation expenses")			
MT	Silver Bow Creek / Butte Area Superfund Site	No	Butte Mine Flooding OU past response costs (Berkeley Pit)	None	N/A	None	N/A	(1) Montana Resources, \$4,158,636	(1) 10872
			Butte Mine Flooding OU future response costs (Berkeley Pit)			\$51MM (future remediation, O&M - joint and several)	10524	(1) Montana Resources, \$10.3MM (net present value)	
			Past NRD costs in Clark Ford River Basin			None	N/A	(1) Montana Resources, undetermined	
			Reclamation costs					(1) Montana Resources, \$87MM	
MT	Troy Mine	No	Future response costs	None	N/A	Undetermined (contingent on current owner's bonds not being sufficient and current owner being unable to pay future closure and cleanup costs)	10524	None	N/A
			Future response costs at Troy MT railyard (potential lead impacted soils from loadout facility)			No, <i>but see</i> above (relationship unclear).	N/A	(1) BNSF, \$290,000 to \$910,000	
			Clean Water Act Damages <i>Cabinet Resources Group v. ASARCO, Inc. et al.</i> , filed Dec. 15, 2005 (Clean Water Act citizen suit)			None		(1) Cabinet, \$500,000	

<u>ST</u>	<u>SITE</u>	<u>OWNED</u> <u>(current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
MT	Upper Blackfoot / Mike Horse Mine Site	Yes w/ respect to Mike Horse Mine; no as to tailings pond.	Past response costs	\$67,628. (USDA - through December 23, 2005)	8375	None	N/A	(1) ARCO, \$133,968.81 (costs incurred)	(1) 10883
			Future response costs (3 actions related to tailings/waste and 1 related to the dam)	\$35,000,000. (USDA)	10746	\$70,000,000 (including O&M of water treatment system of \$70,000/yr.)	10524	(1) ARCO, undetermined.	
			Future NRD costs	None	N/A	\$80MM (claim says figure includes amount in U.S. and MTDEQ's claims for the Upper Blackfoot Complex, i.e., state NRD may be duplicative of remedial claims)	10843		
			Paymaster adit past due permit fees			\$2,017.56 (\$1,125 past due fees and \$892.56 in total interest)	10524	None	N/A
NE	Omaha Lead Smelter Superfund Site	No, .	Past EPA response costs	\$61,401,721. (\$2,473,921 was work to complete UAO)	10746	10% of federal costs or \$2.4MM, in "current costs for interim ROD" for 2006 & 2007 or \$1.2MM each year.	10501	(1) Union Pacific, \$305,147,621 (includes UP's past and expected future costs at Omaha Lead Site); (2) Gould, \$30,440,921.31 (nothing spent by Gould; estimate of EPA's past costs.); (3) Omaha, undetermined (unspecific claim regarding site)	(1) 10855; (2) 10873; (3) 9500

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			Future EPA response costs for implementing interim ROD	\$45,000,000.		10% of federal costs or \$4.5MM (2008-2010)		(1) Union Pacific, \$305,147,621 (includes UP's past and expected future costs at Omaha Lead Site; see above); (2) Gould, \$77,400,000 (the IROD total estimate); (3) NL, \$77.4MM (EPA's total estimate); (4) Omaha, undetermined (unspecific claim regarding site)	(1) 10855;(2) 10873;(3) 11002;(4) 9500
			Future response costs for RI/FS to select final ROD	\$5,000,000.		None	N/A	(1) Union Pacific, \$305,147,621 (includes UP's past and expected future costs at Omaha Lead Site; see above); (2) Gould, undetermined (general future costs); (3) Union Pacific, undetermined (general future costs); (4) Omaha, undetermined (unspecific claim regarding site)	(1) 10855;(2) 10873;(3) 11002
			Future response costs for implementing final ROD	\$50-\$150MM		10% of federal costs or \$5MM to \$15MM.	10501		(1) 10855;(2) 10873;(3) 11002;(4) 9500
			EPA Penalty (up to treble damages, based on costs to perform UAO)	\$2,473,921.-\$7,421,763.		None	N/A	None (except general future claims above)	N/A
			Future cost of NRDA	None	N/A	\$100,000	10501		
			Future NRD costs		Undetermined				
NJ	Perth Amboy - Arthur Kill Industrial Park/Custom Distribution Services	Yes,	Past response costs	None	N/A	None	N/A	(1) NL, \$750,000 (spent investigation costs) (joint and several); (2) Stolthaven, undetermined	(1) 11002;(2) 10837

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
	Site		Future response costs					(1) NL, undetermined (joint and several); (2) Stolthaven, undetermined	
			Future NRD costs					(1) Stolthaven, undetermined	(1) 10837
NJ	South Plainfield Borough, Middlesex County (901 Oak Tree Rd. and Park Avenue)	No	NRD costs (past/future)	None	N/A	\$1,586,601	8056	None	N/A
NJ	Manchester	No	Past/Future costs	None	N/A	None	N/A	(1) Hovson's Inc.; Heritage Minerals (Undetermined)	11062
NM	Blackhawk Mill	No,	Future response costs	None	N/A	\$150,000 (includes regrading, capping, revegetation, oversight, ROD, 5 yr of monitoring; see POC for details)	9400	(1) Chino etc, undetermined (future/past) (see Deming and Groundhog entries)	(1) 11203
			Future NRD costs			Undetermined	10332		
NM	Deming Mill	Yes	Reclamation costs	None	N/A	\$2,220,086	9403	None	None
		No	Future/past response costs			None	N/A	(1) Chino etc, undetermined (see Blackhawk and Groundhog entries)	(1) 11203
NM	Deming Mill & Tailings (1 mile away)	Yes	Future NRD costs	None	N/A	Undetermined	10332	(1) Chino etc, undetermined (see Blackhawk and Groundhog entries)	(1) 11203

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
NM	Dona Ana Metal	No	Future response costs	None	N/A	\$121,870 (NM residential only; includes \$103,686 for sampling and \$18,184 for oversight)	9401	None	N/A
NM	Dona Ana Metal (El Paso Metals)	No	Future NRD costs	None	N/A	Undetermined	10332	None	N/A
NM	Groundhog Mine	No	Future/past response costs	None	N/A	None	N/A	(1) Chino etc, undetermined (see Blackhawk and Deming entries)	(1) 11203
			Future NRD costs						
NM	Magdalena	Yes	Future NRD costs	None	N/A	Undetermined	10332	None	N/A
NM	Stephenson Bennett Mine Site	No	Past EPA Response cost	\$791,221.	8375	None	N/A	None	N/A
			Future Response cost	None	N/A	\$520,249 (additional removal of contaminated soil and O&M.)	9402		
			Future NRD costs			Undetermined	10332		
OH	Columbus, 1363 Windsor Avenue - American Ditch / Alum Creek	No	Past response costs	None	N/A	\$94,758.	7865	None	N/A
			Future response costs			\$1,094,814			

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
OK	Tar Creek Site (4 of 4 Tri-state sites)	No	OU2 (residential/high access areas) - Past response costs	\$134,472,935. (actions determined in part by 1997 ROD)	10746	\$8,609,681.76	7989 (also attached to 10544)	(1) Blue Tee, \$125,000,000 (past EPA costs being sought); general response costs for Tri-State; (2) Gold Fields, \$125,000,000 (same claim as Blue Tee)	(1) 11055; (2) 11054
			OU4 (non-residential) - Past response costs	\$9,405,163.				(1) Blue Tee, \$2,495,646.64 (past Blue Tee response costs at OU4); general response costs for Tri-State; (2) Gold Fields, \$2,495,646.64 (same claim as Blue Tee)	(1) 11055; (2) 11054
			OU5 (creeks) - Past EPA response costs	\$66,597.		None	N/A	(1) Blue Tee, undetermined (general past/future response costs); (2) Gold Fields, undetermined (general past/future response costs)	(1) 11055; (2) 11054
			OU2 - Future EPA response costs	\$5,100,000.		None		(1) Blue Tee, undetermined (general past/future response costs); (2) NL, \$125MM+ (3) Gold Fields, undetermined (general past/future response costs)	(1) 11055; (2) 11002; (3) 11054
			OU4 - Future EPA response costs	\$122-\$328MM		None		(1) Blue Tee, undetermined (general past/future response costs); (2) NL, \$100MM+ (per NL, EPA's total estimate); (3) Gold Fields, undetermined (general past/future response costs)	
			OU5 - Future EPA response costs	Undetermined		None		(1) Blue Tee, undetermined (general past/future response costs); (2) Gold Fields, undetermined (general past/future response costs)	(1) 11055; (2) 11054
			Past BIA response costs	\$2,100,922.99		None			
			Future BIA response costs	\$6.6-\$8.9MM		None			

<u>ST</u>	<u>SITE</u>	<u>OWNED</u> <u>(current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			NRD-Terrestrial Restoration	\$126,559,081	Albert Chart, see 10745.	\$282,237,910	10857	(1) Blue Tee, undetermined (general NRD); (2) NL, undetermined (general NRD); (3) Gold Fields, undetermined (general NRD)	(1) 11055; (2) 11002; (3) 11054
			NRD-Restoration of sediments	\$766,629,425		\$789,465,195 (includes sediment, bank/channel restoration)			
			NRD-Restoration of riparian corridor	\$2,617,138		See above.			
			NRD-Mussels habitat restoration	\$1,424,800		Not specified.			
			NRD-Groundwater restoration	\$48,871,275		Restoration not specified, but \$963,440,068 noted for past groundwater damages-- volume damaged x cost per gallon of local drinking water			
			NRD-Future Restoration Planning	\$1,042,557		Not specified.			
			Past NRD costs	\$7,989,279. (past NRD planning and oversight costs for all 4 Tri-State sites)	10745	Not specified.			
			Remedial Action Costs Overlap	<\$14,500,000> (includes all 4 Tri-state sites)		Not Specified.		None	N/A
			Credit for prior bankruptcy amounts	<\$2,214,517> (includes all 4 Tri-state sites)		Not specified.	11094		
			Damages in pending individual toxic tort lawsuits: <i>Palmer, Moss, South, Sargent, Nowlin, McDonald</i>	No	N/A	No	N/A	(1) Blue Tee, undetermined; (2) Gold Fields, undetermined; (3) Doe, undetermined; (4) BNSF, \$542,100	(1) 11055; (2) 11054; (3) 10539; (4) 9741

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			Damages in DWOP'd toxic tort lawsuits: <i>Kirk, Williams, Anderson, Eckert, LaPee, Ragsdale, Barr, Kloeer, Rhoten, Hayworth</i>	No		No		(1) Blue Tee, undetermined; (2) Gold Fields, undetermined	(1) 11055; (2) 11054
			Damages in pending property damage and medical monitoring class actions: <i>Cole and Evans</i>	No		No		(1) Blue Tee, undetermined; (2) NL, undetermined (Evans only); (3) Doe, undetermined; (4) Gold Fields, undetermined	(1) 11055; (2) 11002; (3) 10539; (4) 11054
			Quapaw Lands - response costs (general) (Damages in <i>Quapaw</i> suit)	No		Quapaw, undetermined	8012 (also claimed in suit)		
			Quapaw lands - past/future NRD costs (Damages in <i>Quapaw</i> suit)	No		Quapaw, undetermined			
			Damages in two pending multi-plaintiff toxic tort suits: <i>Holder and Crockett</i>	No		No	N/A	(1) Blue Tee, undetermined; (2) Doe, undetermined; (3) Gold Fields, undetermined; (4) BNSF, \$1,056,400	(1) 11055; (2) 10539; (3) 11054; (4) 9741
			Defense costs in pending toxic tort, property damage, and medical monitoring suits.	No		No		(1) Gold Fields, \$58,165; (2) Doe Run, undetermined (various cases)	(1) 11054; (2) 10539
			Damages in as yet unfiled toxic tort suits	No		No		(1) Blue Tee, undetermined; (2) Gold Fields, undetermined	(1) 11055; (2) 11054

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			Toxic Tort liability - as yet un-filed cases	None		None		None	N/A
			Susman Godfrey Claimants (PI claims for children in Tar Creek area; 154 claimants)	N/A		N/A		N/A	
			Palmer, Moss, South, Sargent, McDonald, Lapee, Nowlin, Kirk, Williams, Anderson, Eckert, Ragdale, Barr, Kloer, Rhoten, Hay (PI lead contamination; 88 claimants)	N/A		N/A			
OK	Henryetta Plant Site	No	Future response costs (consolidate and cap, including sediments, riparian, and remediation of 2 yards)	No	N/A	\$108,772.	10544	None	N/A
OK	Kusa Site	No	Future response costs (consolidate and cap, including sediments, riparian, etc.)	No	N/A	\$1,779,841.	10544	None	N/A
OK	Midland 1-8 and Berlin Prospect, Custer County	No	P&A, environmental, general E&P-related expenses	None	N/A	None	N/A	(1) Apache, undetermined	9278

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OK	"Other Sites"	No	Response costs in general	None	N/A	None	N/A	(1) Blue Tee, undetermined; (2) Gold Fields, undetermined	(1) 11055; (2) 11054
			NRD response costs in general						
			Toxic tort claims - as yet un-filed					None	N/A
TX	El Paso County Metal Survey Site	Yes, ASARCO owns the smelter, but not offsite locations.	Past response costs generally	None	N/A	None	N/A	(1) BNSF, \$15,000 (past costs to clean up copper contamination at El Paso yard)	(1) 9741
			Past EPA response costs (associated w/ residential cleanups)	\$17,701,074.	8375	\$600,000 (10% share of past residential cleanup in El Paso);	10454 10450	None	N/A
			Future costs for completion of residential yard cleanups	\$8,700,000.	10746	None (but presumably TCEQ would cover 10% of the costs based on above POC)	10450	(1) El Paso, Undetermined. (general claim for all recovery costs related to contamination from El Paso smelter)	(1) 9894
			Past USIBWC response costs	\$186,283.		None	N/A	None	N/A
			Future USIBWC response costs.	Undetermined			N/A		
			Ramirez v. Asarco, No. 2001-2478, D.C. Ct. of El Paso County, TX (Toxic tort, property and PI claims; 17 claimants)	N/A	N/A	N/A		N/A	N/A

<u>ST</u>	<u>SITE</u>	<u>OWNED (current)</u>	<u>UNIT/TASK</u>	<u>FEDERAL CLAIM</u>	<u>POC</u>	<u>STATE CLAIM</u>	<u>POC</u>	<u>PRP CLAIMS</u>	<u>POC</u>
			El Paso Property Cleanups (Requests for yard cleanup; 24 claimants)						
			Soto v. Asarco (PI Smelter emissions exposure; 35 claimants)						
			Cleanup costs (based on attached invoice summary)					(1) Oblegay, \$636,560.96	(1) 9824
TX	El Paso Site (non-residential)	Yes, ASARCO owns the smelter, but not offsite locations	Work required under TCEQ Agreed Order and EPA & TCEQ Consent Decree	None	N/A	Undetermined (Agreed Order assesses penalty of \$168,400; reduced to \$84,200 pending implementation of SEP)	10451	(1a) El Paso, \$5,289,000 (for El Paso (paving) SEP: \$1,110,000 contract damages & \$4,179,000 liquidated damages (penalty)-SEP is part of October 6, 1999 Consent Decree, see Encycle sites below.) (1b) El Paso, Undetermined. (general claim for all recovery costs related to contamination from El Paso smelter)	(1) 9894
			Future work relating to ongoing cleanup of leaking underground petroleum storage tank at 2301 W. Paisano			Undetermined (contingent if ASARCO does not finish work)	10453	None	N/A
			Salinas v. Witco, No. 03-3409-C, D.Ct. of Nueces County, TX (Workplace exposure? PI claim (Hilario Salinas); 4 claimants)	N/A		N/A	N/A	N/A	

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
TX	Encycle Sites - 5500 Up River Road, Corpus Christi	Yes, by Encycle sub. (in Ch. 7 bankruptcy)	Costs for RCRA corrective actions and plan for closure (Consent Decree requirements)	Undetermined (if actions are not taken or actions are not enough)	10746	Undetermined (past/future response costs; TCEQ notes tasks still have not been completed)	10456	Encycle (\$70MM)	11234
			Past/Future costs for uncompleted SEPs	None (but see POC for estimated completion percentages of some SEPs)		Undetermined	10457		
		Yes, by Encycle sub. (in Ch. 7 bankruptcy)	Penalty for failure to implement Coy Mine SEP per 1999 Consent Decree	\$200,000.		Undetermined (undetermined portion of penalties mandated in Oct. 6, 1999 Consent Decree)	10455		
		Yes, by Encycle sub. (in Ch. 7 bankruptcy) (but not sure if SEP is on Encycle property)	Penalty for failure to complete Corpus Christi environmental easement SEP per 1999 Consent Decree	\$500,000.					
			Penalty for failure to perform Corpus Christi Metals Recycling SEP	\$1,125,000.					
		Yes, by Encycle sub. (in Ch. 7 bankruptcy) - but this unit is offsite	Suit for past response cost contribution (4000 Agnes St.)	None	N/A	None	N/A	(1) Federal Iron & Metal, \$25,000 to \$120,000 (for contribution to voluntary cleanup undertaken by plaintiffs b/c of contaminants from 5500 River Rd. property, among others); later POC w/ same attachment but different cover sheet puts the total claim at \$2MM, without breaking down the figure. The expenses incurred by Plaintiff are still listed as \$25,000 to \$120,000.	(1) 8000, 10836.

ST	SITE	OWNED (current)	UNIT/TASK	FEDERAL CLAIM	POC	STATE CLAIM	POC	PRP CLAIMS	POC
			Future cost of cleanup required by Settlement agreement in state court case					(1) Meaney, \$741,304 (estimated cleanup cost)	(1) 9789
			Payments under state court settlement agreement (non-environmental portions) and taxes					(1) Meaney, \$520,497.88	(1) 9790
		No	<i>Society of Our Lady of the Most Holy Trinity</i> (Breach of settlement agreement)	N/A	N/A	N/A	N/A	N/A	N/A
TX	Nueces Bay / Corpus Christi Bay	No	Future NRD costs	None	N/A	\$67,954,665.36 (based on NRDA)	9815	None	N/A
TX	Corpus Christi Inner Harbor Site	No	Past TCEQ costs for installation of hydrocarbon removal system	None	N/A	Undetermined (contingent)	10458	None	N/A
TX	Federated Metals Site (Houston)	Yes, Federated sub.	Future response costs	Undetermined (in case TCEQ hands case to EPA)	10746	Undetermined (contingent claim related to completion of work under Agreed Order)	10449	None	N/A
TX	Gulf Metals Industry Site (Houston)	No	Past response costs and attorneys fees	None	N/A	\$184,924.58 (\$118,057.71 in response costs and \$66,866.87 in attorneys' fees)	10467 (Master)	(1) Cooper, undetermined (general response costs; see GMI claim 5256 and 5255); (2) GMI, undetermined (response costs in general)	(1) 10903, 10901; (2) 5255;

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TX	Amarillo Site	Yes	Future work relating to underground injection well activities	None	N/A	Undetermined (contingent)	10452	None	N/A
TX	Sinton Landfill	No	<i>Harding v. Asarco</i> , No. DC:05-102, 229th JD Ct., Duval County, TX (Breach of settlement agreement; 200 claimants))	N/A	N/A	N/A	N/A	N/A	N/A
UT	Jacobs Smelter, Stockton	No	Past/future response costs	None	N/A	None	N/A	(1) Union Pacific, \$54,746,487 (for past/future response costs at Coeur d'Alene and Silver Valley, ID; Jacobs Smelter in UT; Leadville, CO; and Commencement Bay, Washington	(1) 10855
UT	Murray Smelter Site	Yes as to repository (2 of 141 total acres)	Future groundwater monitoring costs under 1998 Consent Decree	\$50,000. per year	10746	No	N/A	(1) IHC, undetermined; (2) Murray, unclear—pages missing	(1) 10996; (2) 3002
			Future costs for maintaining institutional controls under 1998 Consent Decree	\$75,000. per year					
			Future EPA oversight costs relating to groundwater monitoring	\$15,000. per year					
			Past EPA response costs	\$46,998.64					

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			Contingency remedy if arsenic does not sufficiently decrease	Undetermined					
UT	Pallas Yard, Murray Utah Site	No, appears owned by UTA	Settlement agreement resolving UTA claim against ASARCO for lead contamination in fill material used on property bought by UTA from Union Pacific	No	N/A	\$775,000.	10342	None	N/A
UT	Richardson Flat Tailings Site	No,	Past EPA response costs for developing and implementing July 2005 ROD	\$607,000.	10746	No	N/A	(1) ARCO, undetermined (general past/future response costs)	(1) 10882
			Payment per Settlement and release agreement between ASARCO, ARCO, and United Park City Mine Company (UPCM)	No	N/A			(1) ARCO, \$254,800	
			Future response Costs					(1) ARCO, undetermined (general past/future response costs)	
			Future NRD Costs					(1) ARCO, undetermined (general NRD claim)	

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WA	Azurite Mine Site	No.	Past USDA response costs for site inspection, PRP identification and oversight of ASARCO AOC work in connection with soil, groundwater, and surface water releases	\$219,410.	8375	None	N/A	None	N/A
			Past unspecified USDA response costs	\$10,063.75	10746				
			Future response costs	\$15,000,000					
WA	Commencement Bay Nearshore Tidelands Superfund Site	Mixed Ownership, Smelter is owned, but not other remedial sites.	Past EPA response costs	\$1,700,000.	10746	None	N/A	None	N/A
			OU2 – Future for addressing Tacoma Smelter property and Slag Peninsula	\$25,000,000.					
			OU4 – Future costs for removal of contaminated soils from residential yards	\$4-\$8MM (assuming other work is done pursuant to 2006 Annual Budget of the ASARCO Environmental Trust)					
			OU6 – Future costs for ROD work including capping offshore sediments dredging Yacht Basin and long-term monitoring and controls	\$20,000,000. (sediments work is remaining)		\$19,200,000.	10190	(1) MPDT, \$21,094,000 (2) Union Pacific, \$54, 746,487 (for past/future response costs at Coeur d'Alene and Silver Valley, ID; Jacobs Smelter in UT; Leadville, CO; and Commencement Bay, Washington	(1) 5223; (2) 10855.

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WA	Harbor Area	No	Removal of improvements pursuant to lease obligations	None	N/A	\$500,000	10190	None	N/A
WA	Everett Smelter Site	No	Past response costs	None	N/A	\$14,734,083.91	10728, Appendix B	(1) Everett Housing, \$443,000 to \$475,000 (2) BNSF, \$30,000; (3) Port, \$120,000	(1) 8007; (2) 10424; (3) 9741; (4) 10849
			Future remedial action costs			\$53.5MM to \$63.5MM	10728	(1) Port, \$10MM to \$40MM (contaminated groundwater at Riverside Business Park)	(1) 10849
			Future NRD costs			\$1MM to \$5MM		None	N/A
			Future NRD oversight costs			\$100,000			
WA	Tacoma Smelter Plume	Mixed: yes to site, no to plume area.	Past remedial costs to address plume	None	N/A	\$9.1MM (estimated through July 2006)	10728, appendix B	None	N/A
			Future remedial action costs to address plume			\$320MM (\$5M through 2009, \$315MM beyond 2009)	10728	(1a) CPB, undetermined (Puget Sound - Morningside Farm); (1b) CPB, \$1,520,000 (Tacoma Meetinghouse)	(1a) 3301; (1b) 3300
			Future NRD costs			\$5MM to \$15MM		None	N/A
			Future NRD oversight costs			\$500,000			

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			<i>Branin v. Asarco</i> , No. 93-5132(B), W.D. Wash (Claim for payment of arbitration award (Class); (Claim for PI and property damage (DeLong); Claim for Mental Anguish (Alsos)			N/A	N/A	N/A	
WA	Tacoma, Titlow, Ruston Way	No	Past response costs (soil removal and disposal)	None	N/A	None	N/A	(1) BNSF, \$1,049,000 (April 2004 to July 2005)	9741
WA	B&L Wood-waste Site	No	Past remedial action costs	None	N/A	None	N/A	(1) Murray Pacific, \$320,651.11 (\$128,651.11 plus \$192,000 in attorneys' fees)	(1) 10742
			Future remedial action costs			WA Dept. of Ecology: Two options: (1) \$1.5MM to \$23MM; OR (2) \$50MM to \$150MM.	10728	(1) LP, \$150MM; (2) Murray Pacific, \$1.4MM to \$21MM or \$45MM to \$140MM; (3) Wasser, \$150MM	(1) 9586; (2) 10742; (3) 9889
WA	Cholett Mine	No	Future remedial action costs	None	N/A	\$300,000	10728	None	N/A
WA	Golden King	No	Future remedial action costs	None	N/A	\$100,000	10728	None	N/A

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WA	Van Stone	No	Future remedial action costs	None	N/A	\$2.5MM to \$4MM	10728	None	N/A
WA	Monte Cristo District (Mystery & Justice Mines)	No	Future remedial action costs	None	N/A	\$4MM to \$10MM	10728	None	N/A
WA	Northport Smelter	No	Future remedial action costs	None	N/A	\$4MM to \$5MM	10728	None	N/A
WA	Anderson Calhoun Mine	No	Future remedial action costs	None	N/A	\$850,000 to \$1.4MM	10728	None	N/A
WA	Tacoma - Hylebos Waterway	No,	Waterway response costs (all costs incurred by 3/06, but some were incurred after filing)	None	N/A	\$23,383.54	10728, Appendix B	(1) Arkema, \$66,905,700 (includes interest); (2) General Metals, \$66,905,700 (same claim as Arkema); (3) PRS, \$650,000	(1) 3205; (2) 3206; (3) 10832
			Waterway NRD costs (past/future)			None	N/A	(1) Arkema, \$78,222,192; (2) General Metals, \$78,222,192 (same claim as Arkema); (3) Wasser, \$142,651.92	(1) 3205; (2) 3206; (3) 9889
			PRS site response costs (past/future)					(1) PRS, \$2.1MM to \$2.5MM.	(1) 10832
			PRS site decommissioning (to allow remediation)					(1) PRS, \$50,000 to \$100,000	

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			PRS site future NRD costs					(1) PRS, undetermined.	
WA	N/A	N/A	Other "ASARCO"-related past expenses	No	N/A	\$170,605.78 (added up accounts 8040, 8N06, 8N07, 8041)	10728, Appendix B	None	N/A
N/A	N/A	N/A	Unpaid pre-petition transportation charges	None	N/A	None	N/A	(1) BNSF, \$118,503.04; (2) Union Pacific, \$374,614.50	(1) 9741; (2) 10855
?	?	?	?	None	N/A	None	N/A	(1) El Dorado, unknown (nothing attached); (2) Wernstein, unknown (nothing attached)	(1) 9406; (2) 9556
AZ	ASARCO Environmental Trust	N/A	Unpaid principal on promissory note	\$50,000,000.	10746	None	N/A	None	N/A
N/A	Tax Refund	N/A	Unspecified secured claim against \$48 million tax refund under "a right of setoff"	\$48,000,000.	8375	None	N/A	None	N/A